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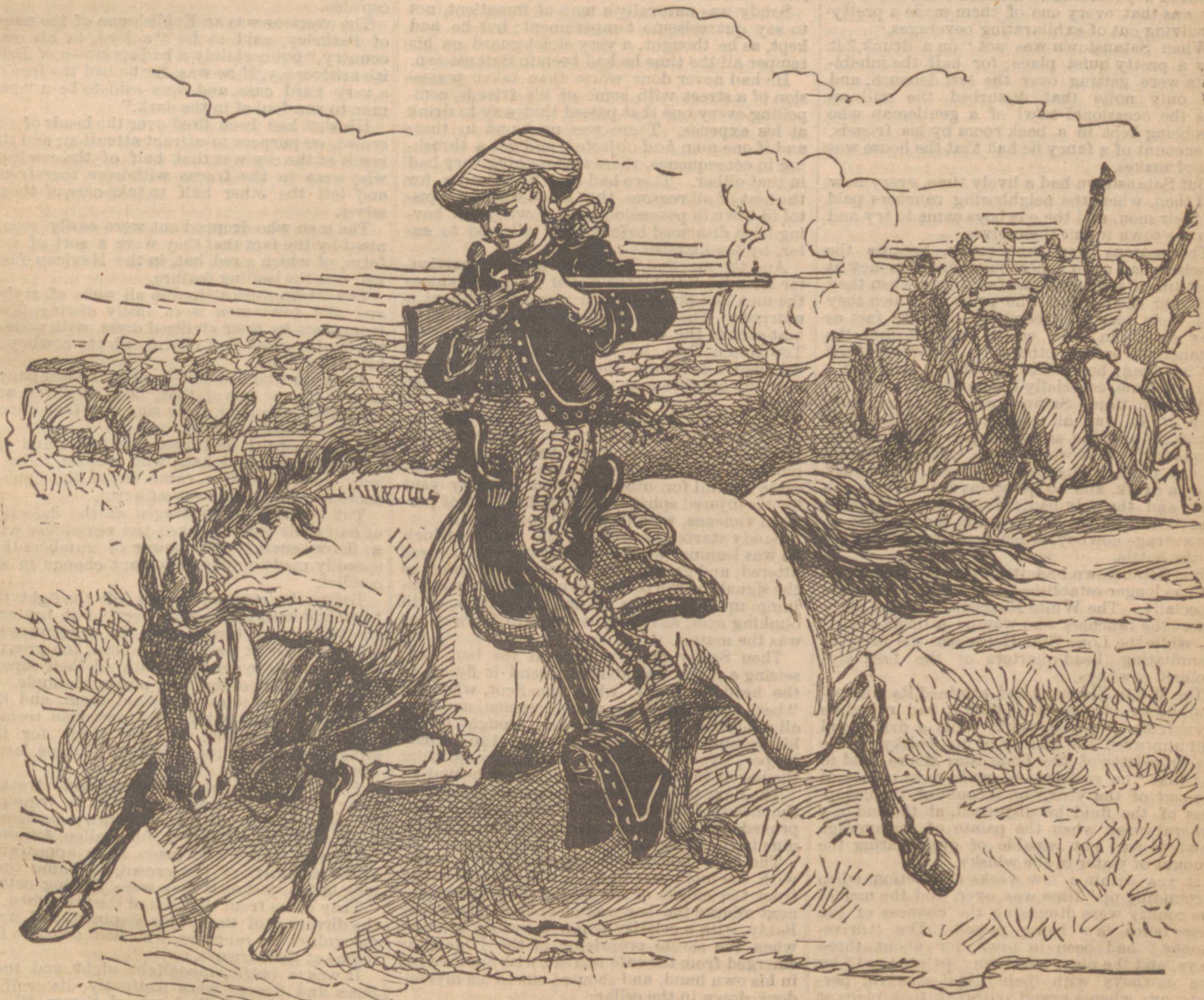
No. 303

## TOP NOTCH TOM, THE COWBOY OUTLAW; Or, THE SATANSTOWN ELECTION.

A SEQUEL TO "OLD CROSS-EYE, THE MAVERICK-HUNTER."

BY CAPTAIN FRED. WHITTAKER,

AUTHOR OF "NEMO, KING OF THE TRAMPS," "RED RUDIGER," "THE RUSSIAN SPY," "THE RED RAJAH," "THE IRISH CAPTAIN," "THE MAN IN RED," "DEATH'S HEAD CUIRASSIERS," "PHANTOM KNIGHTS," ETC., ETC.



AS IT WAS, BEFORE THEY HAD GONE FIFTY YARDS ANOTHER SHOT PEALD FROM THE RIFLE OF THE FLYING RANCHER, AND ANOTHER OF THE CATTLE COMPANY'S MEN DROPPED FROM HIS HORSE.



# Top Notch Tom, The Cowboy Outlaw;

OR,

## The Satanstown Election.

A Sequel to 'Old Cross-Eye, the Maverick Hunter.'

BY CAPT. FRED. WHITTAKER,  
AUTHOR OF "PARSON JIM, KING OF THE COW-  
BOYS," "SETH SLOCUM, SURVEYOR," "OLD  
DOUBLE SWORD," "OLD CROSS-EYE,  
THE MAVERICK HUNTER,"  
ETC., ETC., ETC.

### CHAPTER I.

#### THE SATANTOWN BOYS.

ANY one who has ever been in Satanta county, Texas, knows that the name of the county seat, on the official maps, is "Satantatown," but, whether it be the perversity of common people in all parts of the world, which works sad changes in pronunciation, or a sense of fitness in another designation, it is nevertheless true that, if you were to ask a neighboring rancher for the county seat, by its official name, you would be met with a smile and:

"Reckon you mean *Satanstown*, stranger. It's two sights and a bit from hyar, and right smart little town you'll find it, when you git thar. The boys is jest rip-tearers, and thar ain't a livelier place of the size, in all Texas."

Therefore we shall have to follow the fashion of the county, and call it by the name the inhabitants bestowed on it—Satanstown.

Brother Ernest Fish, who went there on a revival mission, once on a time, afterward said that "the name was a very fitting one, for the Evil One was strongly intrenched there, in the hearts and minds of the stiff-neckedest of all the generations he'd strook, sence he left New York, except Chicago."

The population of Satanstown was set down in the census as being about twelve hundred; but of the two hundred and fifty heads of families that made their regular abode here one hundred kept saloons of all kinds, and the wonder was that every one of them made a pretty fair living out of exhilarating beverages.

When Satanstown was not "on a drunk," it was a pretty quiet place; for half the inhabitants were getting over the last debauch, and the only noise that disturbed the stillness was the occasional howl of a gentleman who was being kept in a back room by his friends, on account of a fancy he had that the house was full of snakes.

But Satanstown had a lively time, every now and then, when the neighboring ranchers paid off their men, and the cowboys came to try and run the town to suit themselves.

The seasons were not many, because the ranchers had not a superabundance of money at most times, save after the fall drives when they had sold their cattle, the price of which they and their men proceeded to spend, as fast as they could, in some cases, and put into the Satanstown bank in others. In any event it did not last long; but, while it held out, they had a glorious time, especially the cowboys.

At such times Satanstown had to wake up, even if it was all sleeping from the last "drunk," and the saloon-keepers made money in quantities that would have excited the envy of one of their Northern brethren. "Twenty cents a drink, and no questions asked," was the rule; and the only bad feature of the business was the size of the drink within the capacity of the average cowboy, when he once got his grip on the bottle.

But Satanstown had its grades of society, as well as longer-established places; in the saloons especially. The White Elephant was the place where the ranchers who wanted a drink resorted, while the Lone Star House was the favorite assimilating head-quarters of the festively-inclined cowboys.

The White Elephant had attained its distinction, by the circumstance that it had raised its price from twenty to thirty cents a drink, and had improved the quality of its whisky; while the proprietor of the Lone Star House used to say that "he reckoned he made most money at the end of the year," on account of the cheapness of the fluid he dispensed, at the end of a general spree, when the palate of the average cowboy was not capable of appreciating the amount of water in the whisky.

It was within a few weeks of election, when "rounding-up" time was over, and the men of the county were discussing the chances of the new fence law being passed. The "drive-money" had been in town for about three days, and the place had been "painted red" by the cowboys with their usual cheerful persistency; when a grand outbreak took place at the Lone Star House at ten P. M., when the moon was full, on account of the refusal of Mr. Alexander McPherson, the landlord, to furnish any more whisky to Sandy Bill, of the Screw Worm Ranch.

Sandy Bill's surname was Ward; but no one

ever called him anything but "Sandy Bill," just as Mr. Alexander McPherson had long ago lost his Scotch patronymic, in the less distinguished, but more convenient appellation, of "Baldy Mac," on account of his personal peculiarities in the matter of hair, or rather of its absence.

Sandy Bill had had a good time, when the fatal order came. He had spent all the wages of a hard quarter's work, wherein he had had more than one fight with the men of the Glasgow Cattle Company. Bill, whose nickname was often still further shortened to plain "Sandy," had "taken the town," the previous night, though he had had his weapons confiscated by the marshal, before he was allowed inside of Satanstown.

He had run the Lone Star, with the entire approbation of Baldy Mac, at his own expense, for the period of five hours by the clock, standing treat for the thirsty crowds, and had sallied forth into the streets, with a party of congenial friends, who had insisted on everybody in town keeping awake for the whole night, in commemoration of the virtues of the cowboy candidate for Assembly, Mr. Thomas Field, who had earned, by his marvelous shooting powers, the name of "Top Notch Tom."

Sandy believed in Top Notch Tom, drunk or sober; and had impressed the fact on the men of Satanstown, to the best of his abilities; when his career of eloquence and free drinks was suddenly cut short by the stern order of Baldy Mac to his barkeeper:

"Nae mair drinks for the mon that dizzn't pay the siller for 'em, Evan."

Sandy heard the order, and his spirit arose within him, clamoring against the injustice, not to say ingratitude, of the fiat.

"Look-a-hyar," he said to Baldy. "D'ye mean that fur me, or don't ye?"

Baldy, who had got behind his bar, with his hand on the club that reposed there at all times, instantly replied:

"'Deed and I do, mon. Ye've had a' ye're gaun to i' this place. Ye've spent a' yer siller, and ye can't spend mine, wi'out my consent. The best thing ye can do is to gang hame."

This advice, though perhaps the best that could have been offered to Sandy, was the straw that broke the camel's back.

Sandy was naturally a man of impatient, not to say quarrelsome temperament; but he had kept, as he thought, a very strict guard on his temper all the time he had been in Satanstown.

He had never done worse than taken possession of a street with some of his friends, compelling every one that passed that way to drink at his expense. There was no harm in that; and if one man *had* objected, and got a thrashing in consequence, there was nothing very bad in that either. There had been no shooting, for the best of all reasons, that there was not a pistol in town in possession of a cowboy, all having been disarmed before being allowed to enter, by the marshal.

And the marshal, being one of their particular friends—"Hank the Nailer" by nickname—the men had given up their weapons without a murmur. The fact of Hank the Nailer being the best shot in the county, with the exception of Top Notch Tom, had nothing to do with the submission of Sandy, though it had with that of many another man who came to town that week.

But, when Baldy Mac told Sandy that he could have no more whisky, and calmly advised him to go home, after he had spent all his money in Baldy's place, the heart of Sandy became too full for utterance, and the only vent for his injured spirit lay in the direction of personal violence, with or without pistols.

Sandy started back from the bar, on which he was leaning, when the offensive words were uttered, and gave a wild whoop that acted as the signal for the other cowboys in the room to jump up from their chairs and tables, with blinking eyes, as if they wanted to know what was the matter.

Then Sandy made a dash at the bar, and, seizing a glass, was about to send it flying at the head of Baldy, when the Scot, who had "been there" on a previous occasion, and was all ready for the trouble he had brought on by his well-meant advice, made a signal to his barkeeper, Evan Mac Dougal, who had come from the bar at the moment his chief went behind it.

The next moment Evan delivered a blow at the head of Sandy, with a base-ball bat, that proved him easily the champion batter of his nine in the Satanstown Blue Stockings.

The blow laid out Sandy as stiff as a stake, with the more ease that he was already shaky from the effects of his long debauch, and the next minute the bar was cleared of glasses by Baldy, with a celerity acquired by long practice when the astute proprietor of the Lone Star emerged from the safe retreat, with another bat in his own hand, and shouted out to his myrmidons, down in the cellar:

"Bats, laddies, bats! The cooboy's are coom-in'."

The cry was one well known in that part of Satanstown; for the cowboys had come there, many a time before; and the Satanstown boys were used to them.

It was raised none too soon; for, as the body of Sandy reached the floor, where he had been prostrated, stunned, every cowboy in the saloon made for the proprietor and his barkeeper, picking up chairs, glasses, and any missile weapon that they could find handy, including spittoons, as they rushed to the assault. Then arose such a noise as had been heard in Satanstown but once before, when Punch Burleson's gang had cleaned out the Black Falls House, when seven men had had their heads broken, and the Satanstown boys had gotten the worst of it.

They had been aching for revenge ever since, and Sandy Bill was known to belong to Punch Burleson's ranch.

At the cry of the landlord of the Lone Star, they came running up from the cellar, where they had been waiting for the trouble they had been informed was coming, and entered the saloon, in time to save Baldy from being murdered by the mere force of numbers.

With base-ball bats for weapons, they drove the cowboys out of the saloon, and a free fight raged in the street, outside the Lone Star, for the space of about ten minutes, that aroused the admiration of more than one of the old inhabitants of Satanstown.

Every house in the neighborhood emptied its revelers into the streets, and they all hurried to the scene of action; the cowboys with their quirts, and the townsmen with their clubs and base-ball bats, which had become favorite weapons with the Satanstown boys, on account of the ease with which they could be utilized for the double purpose of hitting a ball and a head.

The row spread, and the numbers on both sides increased every moment, the cowboys from all quarters flocking to the help of their beleaguered friends. Then came the sound of a pistol-shot.

### CHAPTER II.

#### THE FEUD OF THE MACS.

THE sound of the pistol produced a silence in the street for the space of about three seconds—just long enough for the voice of a man to be heard, above the tumult elsewhere, shouting:

"All the company's men, come out of that!"

The voice was recognized as that of the overseer of the Glasgow Cattle Company, and it produced an effect on the fight that was perceptible.

The overseer was an Englishman of the name of Berkeley, said to be "a lord, in his own country," but certainly a bad specimen of British aristocracy, if he was, for he had the face of a very hard case, and was said to be a "bad man to run foul of in the dark."

His shot had been fired over the heads of the crowd, on purpose to attract attention; and the result of the cry was that half of the cowboys who were in the fracas withdrew therefrom, and left the other half to take care of themselves.

The men who dropped out were easily recognized by the fact that they wore a sort of uniform, of which a red hat, in the Mexican fashion, was the leading feature.

The others were attired in all sorts of styles, and the townsmen were easily distinguished from them by their civilized dress, with none of the exuberances that distinguish the cowboy in his native State.

The man who had called out to the company's men to "come out of that," was mounted, and his voice had a loud, clear ring in it that denoted one used to authority.

As he shouted, he turned his horse, and the men with the red hats, who seemed to be in very good discipline, came out of the fight at once, when he rode away at a trot.

The townsmen, encouraged at the defection of half their foes, attacked the remainder with a fierce energy and power of numbers that speedily made a very important change in the conflict.

Before the company's men left the fight the town had been getting the worst of it, but now the tables were turned, and the cowboys were outnumbered at least three to one, too great a disproportion to get over, with all their superiority in the art of fighting, pure and simple.

Stones began to rattle around them, and the blows of the bats, which the townsmen seemed to have in profusion, were too much for the strokes of the quirts, skillfully as these latter were used.

The cowboys began to give way and retreat to their horses, the townsmen to yell in triumph, as they pushed the assault, when a horseman came down the street at full gallop, followed by several others, who made their appearance at the outskirts of the crowd, wielding their long lashes, just as if they were driving cattle.

They came from the back of the townsmen, in the direction of the White Elephant, and were recognized as ranchers, who had come to the rescue of their friends.

It was a bright moonlight night, and their faces and figures were distinctly discernible. There was Punch Burleson, of Screw Worm Ranch, Deaf Smith of Dunderhead Ranch, Limpy Balstrop, of Bucker's Ranch, and the famous candidate of ranchers and cowboys, Top Notch Tom.

They were all whirling their long quirts in



the air and bringing them down on the townsmen, with the skill and force with which they were wont to drive back a rush of refractory cattle; their horses keeping them out of the way of the men on foot; the lashes driving the crowd in confusion.

When the townsmen made a fight, the drivers struck at their faces, with a savage precision which never failed of its effect, and the four horsemen, who had come up so opportunely, did more with their whips, in five minutes, than the fifty or sixty men who had been fighting on foot, before their arrival.

But the odds were too great to permit such a contest to last long, and the four men would have been stoned out of their saddles, had it not been for the assistance of their friends, who repaid the timely diversion as soon as they had got to their horses, by taking a share in the battle in the same style, and turning the tables effectually.

The townsmen had to give way; for the cavalry did what the infantry could not effect.

They ran into the houses and opened a fire of pistols from the windows, under which the cowboys, in their turn, had to vacate the street.

They effected their retreat, without any appearance of dismay, for the simple reason that they were unarmed with anything more serious than their whips, and dashed out of the town at full gallop, shouting and yelling their derision and defiance of everything in the shape of a townsman, with no more casualties than the blood that streamed down the faces of half their number, and the loss of Sandy Bill, who had to be left behind, in Baldy Mac's saloon, rather the worse for wear.

The Glasgow Company's men had ridden out of the town before the others, and as the cowboys came out on the run, the rivals of their employers raised a shout of derision, evidently meant to provoke a fight on the spot, and which had the desired effect; for the cowboys of the ranchers at once charged them, when the whips began to fly in grim earnest, and there was every prospect of a hard fight.

The tall form of Berkeley, the English overseer, was at the head of the red-hatted men, and he could be heard giving orders to "hit at their faces, hit at their faces," an order which was but too well obeyed.

But the ranchers' party were no novices at such a description of fighting, and they made their own whips fly in good earnest, so that one might have thought, to hear the cracking of the long lashes, that a sharp skirmish of pistols was going on, though there was not a pistol in the party, as far as the cowboys were concerned, thanks to the wise provision of the law that weapons should not be carried in the town, save by men who could be trusted, and were willing to give bonds for the public safety, to get a permit for their carriage.

The English overseer had such a permit or he would not have been able to fire his signal-shot as he had; and the four ranchers had the same; but they did not attempt to use their weapons, sore as was the temptation in the case of the four, who had but one armed opponent before them.

The parties were about equal in numbers, and there is no telling how the strife might have terminated, when the cattle company's men suddenly gave way and fled, with a precipitancy that would have argued that they had got the worst of it, had not their leader himself given the signal by a shrill whistle, when the contest ended as suddenly as it had begun, with as little appearance of reason for the ending as for the beginning.

The company's men rode off one way, and the ranchers' party took the opposite, when the latter set to work to estimate the amount of damage sustained by their side, and found that their men had not been hurt in the fight, to any great extent.

"I knowed it 'u'd be so," remarked Punch Burleson, as he rode on beside Top Notch Tom. "That side is all blazes on the shoot; but they warn't brought up on the whip, as we-uns was. We lay over 'em thar, you bet, Tom."

Top Notch Tom was a tall, handsome young man, with the face of one who seemed better fitted for the pursuits of peace than the role of a Texas cowboy.

He had blue eyes, and long, fair, wavy hair, of the fine texture that denotes a gentle disposition. He smiled rather sadly as he answered:

"It is a savage way of fighting, Punch. I had no idea, when this little fight started, that we should be involved in such a disgraceful affair. That Berkeley did all the mischief. His men were helping ours, when he called to them."

Limp Balstrop struck a light and lit a cigar, as he observed:

"Reckon we sp'iled the shootin' of some of the darned galoots, though, Tom."

"How do you mean?" asked Tom.

Limp finished his lighting before he answered:

"Waal, I cut the eye out of one feller, I knows on; and there ain't many of our men that kin say they didn't draw blood from some of the darned cusses. The fight's got to come,

ye know, and the sooner we get it settled the better. Either they've got to run the county, or we hev: that's about the size of it, Tom. Thar ain't no half way. If we give 'em an inch, they'll take all they kin get. Pity some of us didn't git a chance at the head devil of the lot. He's got to be some man's meat, afore this fight is over."

He referred to a fight; begun when the great company first made its entry on the ranges of the county, which, up to that time, had been open to all. The corporation had gone to work and inclosed nearly two hundred square miles of territory, that had belonged to the public, shutting the ranchers out from the Blue Fork river, their only watering-place for their stock, except by narrow roadways, till the ranchers, in self-defense, had risen in the night, and cut the cruel barbed-wire fences to pieces, by one grand concerted effort.

Since that time there had been a constant war between the two parties, and the company had suffered the most, for the reason that it had most to lose.

The fences had not yet been restored, and the company had commenced a suit against the county for damages for the destruction wrought, while the ranchers, on their part, were bending their energies to the election of a candidate, to be their representative in the forthcoming legislature, who should procure the enactment of a law, forbidding the purchase of more than a certain amount of land by any one person, and the prohibition of the erection of fences across the natural roadways of the country.

The election day was fast approaching, when the issue would be practically decided; for the cattle company had put up, as their candidate against the ranchers, a lawyer of Satanstown, who rejoiced in the appellation of Belshazzar Levy, Esq., and was the counsel for the company in its suit against the county.

It was the exasperation of the public mind, on the subject of fence or anti-fence, that had made the recent free fight all so easy of stirring up; and the minds of the ranchers, as they went home, naturally turned to it, and the relations the contest would bear to the election.

Tom Field rode silently on, after his companion had spoken, and at last he said, thoughtfully:

"It's a pity the fight occurred, and that our men couldn't keep their tempers. This will hurt our vote in the town."

Punch Burleson shrugged his shoulders as he replied:

"What'n blazes air ye to do about it, Tom? A caowboy will be a caowboy, any way ye kin fix him, and ye can't no more keep him from goin' on a tear, when he gits paid off, than ye kin git a steer to stop bellerin' when he feels the hot iron at raoundin'-up time. What's did can't be helped, and we've got to fight it out."

"I can't help thinking," said Tom in the same thoughtful way, "that the affair was preconcerted, for the effect it would have on the election, Punch. The company's men are naturally on our side against the townsmen, although we fight outside the town; but this time they joined the other side, and did their best to fight us. It must mean that they are trying to join forces with the Satanstown boys, and if so, we shall have a hard time to elect any man who hails from the ranches. I wish I hadn't gone in so hotly. They must have recognized me, and that will be used as a handle against me in the canvass."

"What of that?" asked Punch in the same tone. "I reckon, when they come to know what the suit is fur, and what they'll have to pay, if it comes to a trial, that they'll think twice afore they go to 'lactin' any Levys or lawyers. You ain't half used to Texas yit, Tom, fur all you're gittin' to be a tearer, and no mistake."

"Say, boys," here suddenly interrupted Deaf Smith, in his usual inconsequent style, not having heard a word of what had been said, "yonder comes Hank the Nailer, with the guns."

#### CHAPTER III.

##### HANK, THE NAILER.

"HANK, the Nailer," was a gentleman whose legal appellation was Henry Kimble, who had acquired his singular nickname from his skill in driving home nails with bullets.

He was by right a rancher originally, though he had no great amount of stock; but he had been elected city marshal of Satanstown—a compliment that showed the citizens thought him the best fighter to be found available for arrests, where the culprits carried arms and knew how to use them.

Hank was not a rich man. He had come to Texas as a cowboy several years before, and had taken charge of a herd on shares, with the result of leaving him with about a thousand head of his own—small potatoes in Texas, but better than nothing.

Even these latter he had disposed of lately to his friend, Judge Collingsworth, soon after the marriage of Tom Field to the daughter of the judge, who was the richest rancher in that part of Texas.

The judge had two daughters, and the eldest was still unmarried, though she had plenty of

suitors, for a girl need never despair of getting married in a place where the men outnumber the women in the proportion of ten to one.

But Helen Collingsworth had the misfortune, in that wild county, of being a girl of education and refinement, who had come to Texas after she had grown up, and had little taste for the rough ranchers, who made up the male society of the neighborhood.

When her sister Diana had married Tom Field, there were some who thought the wedding a disappointment to the fair Helen; but if so, she had never shown it; and the other ranchers, who had envied Tom his prize, were all busy in making amends for their former tardiness by suing the remaining daughter of the old judge with redoubled ardor, in sight of the happiness that had fallen to their Top Notch comrade.

Hank, the Nailer, had sold out his stock to the judge soon after the marriage, and had gone to town, where he had run for the office of city marshal, with the success we have indicated.

He was a very quiet, reticent man, who rarely spoke, and never joked. Not bad-looking, for he stood six feet in his stockings, and had the air of one who has been in the open air from his boyhood and lived a temperate life.

He was, for Texas, a wonder; for he never drank anything stronger than water, and openly avowed his principles with a frankness that would have cost a less skillful shot a crop of duels in a week.

But the boys never quarreled with Hank, the Nailer; and, when he requested their weapons at the entrance to the town, they gave them up to him, with the meekness of lambs.

Now Hank was coming out to meet them, seeing them in the moonlight, and he was accompanied by a man, with a cart full of the weapons that had been confiscated.

He was welcomed with a shout, and the cowboys crowded round the cart, selecting their weapons, and proceeding to fire off and reload them, with a recklessness that savored of devilry, while Hank sat on his horse conversing with the ranchers, oblivious of the fact that the bullets were whistling round his ears as thick as if a battle had been going on.

Hank was a dark, bearded man, with the dignity of an Indian chief or an eastern prince, who was accustomed to be obeyed when he spoke, and it was rather curious to hear him, when one of the bullets went through the side of the cart, startling the horse, say to the rollicking men around him:

"Come, boys, this has gone far enough. Fire in the air after this, and then go home."

He did not raise his voice; but he *did* bring his Winchester rifle, which lay on the pommel of his saddle, a little more to the front, and rested the end of the barrel on his arm while his right hand was on the lock. That was all; but the wild cowboys took the hint; stopped their reckless firing, and proceeded to reload their pistols in a more orderly fashion.

Then they rode away, and Hank bowed to the ranchers, whom he saluted as equals, and said to Tom Field, who was the nearest:

"I heerd a lot of firin' in taown, Mr. Field. Hope the boys didn't git the wust of it."

His sympathies were still with the class from which he had come, and not with the townsmen, on whom he rather looked down, as not having a man of their own who would run against him, for the office of city marshal.

"Yes," answered Top Notch Tom, soberly. "There was a foolish quarrel, as usual, about nothing, and I rather think our men got the worst of it, though the only man we lost was Sandy Bill, who is in Baldy Mac's saloon, where he will probably be kept till they are ready to take him before Concha for assault. At least, so the boys say."

"Waal, I'm sorry for that, right sorry," said Hank, with an accent of real concern. "If any of you gentlemen is willin' to go bail fur him, I'll see that he gits home to-night."

"Hank, I allers said you was a good feller," Punch Burleson interposed, with a tone of great gratitude. "I'd like to git the pore cuss out of the calaboose; fur I'm afeard he's a-goin to git the jim-jams, right soon, and I'd not like them taownies to have the laugh one of my men. I'll go the bail, if ye say so."

"Then I'll git him out fur ye, Mr. Burleson," Hank replied, in the same quiet way he had spoken all along. "If ye don't like to come with me, owin' to the trouble, I'll tell the jedge ye was agreeable to goin' bail, and I reckon he'll take my word fur it."

Punch seemed to be relieved at the offer, for he said at once:

"Thankee, Hank; thankee. It ain't the goin' into taown as I'm afeard of; but the boys is kinder on their best muckle, to-night, as ye see, and I got to look arter 'em a bit. I'll be daown in the mornin', shuah, as soon as the co't meets."

Hank nodded, as if the matter was one of very ordinary nature, and was about to ride away, with his comrade who drove the cart, when Top Notch Tom, who was next to Punch Burleson, said:



"Punch, if you'll see to our boys, as you go by the ranch, I'll go in and give bail for your man. I want to go back to town, for reasons you can guess."

"Geeroosalem!" cried Limpy Balstrop, in an accent of great surprise. "Don't ye do it, Tom. The townies is only waitin' fur a good chance at one of us, alone; and it ain't best to be too resky, no matter haow well ye kin shoot."

Top Notch Tom smiled, as he replied:

"If Hank and I together are not capable of taking care of ourselves, in Satanstown, Limpy, we ought to give up our names, and go North. I bid you all a very good-evening, gentlemen."

So saying, he turned his horse, and was about to ride off, when Punch called out:

"Any message to hum, Tom?"

Tom understood him, and called back:

"None. Yes, you may tell them I shall be home in the morning. *Electioneering*. Not a word about the trouble, you understand."

"All right," was the reply.

Then the two parties separated, and no one would have thought, to hear the calm tones of the men, and the quiet, commonplace language they used, that Top Notch Tom was going back into serious peril of his life, and that Punch Burleson's question related to Tom's young bride, not yet three months married.

These Texas men have a point of honor, that they never let a woman know anything about a fight, if they can help it, till it is all over.

Yet, when Tom rode away with the city marshal, he felt decidedly ill at ease, and his thoughts ran a good deal on the fair young wife he had left at the ranch, who loved him devotedly and trembled at everything that threatened to harm him.

When they had gotten some distance, Tom said to his companion:

"Hank, I am afraid there is going to be trouble about this affair, to-night."

Hank tranquilly replied:

"Thought so, when I heard the firin'. I was goin' thar, when it stopped, and I reckoned the deputies had squelched it. I don't like to interfere with 'em, 'cause it makes 'em think I don't trust 'em, and they're good fellows enough."

"Yes; but that is not the thing, Hank. The fight is over, for the present; but that cattle company overseer was into it, and he made it worse than it might have been, by his interference. Our men were getting the best of the townsmen, and the trouble was only one of clubs, when he called off his men, who were helping our boys, and the townsmen began to drive ours. Then, of course, we ranchers had to get in, for the honor of our end of the house."

"In coa'se," was Hank's tranquil reply. "The cowboys has ruled the roost, longer'n any man kin remember, and it ain't nateral that the townies should drive 'em, if they had anything of a squar' show."

"Exactly. That was the reason Punch and Smith and Limpy had to ride in, and we used our whips to get our boys off. Well, that was what started the firing; for the townies, as soon as they found we were giving it to *them*, and they three to one, anyhow, got to their windows and began to fire."

Hank shrugged his shoulders, as he replied:

"What kin ye expect from a *townie*, Mr. Field. They ain't got no sand to stay, and they can't stand the temptation, if they know the other side ain't heeled to use thar guns. Waal, no one was hurt, as I heard-on, was they?"

"I don't know that. Limpy got ugly, and cut one man's eye out, he says; and there may be a number of others who have grudges to settle. It was all an election trick, I think, to make our party unpopular. What do you think?"

#### CHAPTER IV.

##### TAKING THE STUMP.

HANK, the Nailer, did not answer for several seconds, during which he was considering what his friend had said; for he was a man who never spoke in a hurry.

Then he answered slowly:

"Waal, it might be, and then again it might be on'y a common muss. When the boys has whisky in 'em, they're apt to git into musses, anyhow."

"No, but I mean his interference."

"Waal, that might be, too. Ye couldn't blame the man fur tellin' his men to git aout of the fight, Mr. Field. Mebbe it might be better if some of ye had stopped it on yer own side, fu'st."

"I didn't get a chance, Hank. It was all too quick; and now they will use it for all it is worth against me."

"Waal, they may try; but I reckon I kin stop that fur ye," said Hank soberly. "I ain't much on the 'laction' ginerally, but when a frien's in the race I ain't apt to let him get left if I kin help it, Mr. Field."

"Thank you many times, Hank! You were always the best friend I ever had in Texas. When every one else was persecuting me, it was you who gave me good advice and made me what I am."

"No, no!" returned the marshal in his simple, earnest way. "I didn't hev nothen to do with

makin' you what you air, Mr. Field. I ain't eddicated, and you air!"

"But all the education I had was useless to me in Texas, lacking the one thing that is necessary. In Texas, a man who can't shoot is like a fish out of water; and you were the first man that suggested that idea to me. After that, the rest was all plain sailing."

Hank laughed slightly, in a peculiar fashion of his own, grim and noiseless.

"Reckon you're the fu'st man ever I seen told me that, Mr. Field. I never taught ye anything. If I had, ye might talk; but I didn't."

"You are mistaken, Hank. You taught me more than you imagine, for I often watched you when you were at practice, and it was by watching that I learned how to shoot."

"Ye was right welcome to that, I'm sho!" replied the marshal, heartily. "I don't teach all the men I know haow to shoot, 'cause they might make a bad use on it; but when I come to a man like you, Mr. Field, I help him all I kin!"

Then they rode on toward the town; and as they neared it, they heard a great shouting, that showed how the Satanstown people were rejoicing over their victory against the cowboys and rancher element.

Hank, the Nailer, observed quietly:

"Ef ye think it best, Mr. Field, I'll go in and see to Sandy, and you kin go straight to Concha's haouse."

Tom turned his head quickly.

"You mean that there may be danger in my being seen in the town, as matters stand."

"That's jest about the size of it. They dassn't say nothen to me, 'cause I've got the law on my side, ye see; but you hain't. It wouldn't do ye no good to be see'd with me, nuther; fur I'd have to stop any muss, and they'd say ye was skeered. On the hull, the best thing ye kin do, Mr. Field, is to go to the judge's haouse at onst."

"I think you're right, Hank. You always are, for that matter. But suppose I meet anybody, and he tries to pick a quarrel with me. They might do it at night, when they wouldn't think of it in daylight. I can't afford to fight now, you know; when everything I do will be used against me in the election."

Hank considered a little, and at last said:

"Ef I could trust ye not to draw a weepin, I'd say come with me, Mr. Field; but it ain't to be s'posed ye c'd keep from trouble, ef they go too aggerawatin'. Ye see I can't git inter musses any mo', naow. I've got to keep the peace, and ef you was to git inter trouble, I'd hev to 'rest ye the same as anybody else."

The man spoke quietly and soberly, and Tom nodded his head, with the answer:

"Of course, I understand that; but the fact is, I can't rest till I have found out whether the feeling against me is fatal to my prospects as a candidate. If it is, I am going to draw out, and put the judge in my place."

They had been riding on while they were speaking, and by this time had got to the outskirts of the town, when a loud burst of shouting, from the middle of Satanstown, made them both halt.

Tom Field seemed to be specially uneasy, and listened to the sound intently.

It was evidently the climax of some excitement, for the cheering was continuous.

When it died away, they heard the noise of a man's voice, speaking in the open air, with the peculiar rising and falling inflection of the stump speaker, and Hank said:

"Saounds like they'd got up a meetin'."

"Top Notch Tom twitched in his saddle as he listened, and finally, with an effort that showed he had taken a resolution that cost him a struggle, he said firmly:

"Come on, Hank. I'll take the risk."

Then he set spurs to his horse, and the two men galloped into Satanstown, and drew rein in the large open space before the Lone Star House, where a large crowd had gathered in the moonlight, around a sort of platform, hastily constructed of barrels, on the top of which a man was swinging his arms and shouting in the true stump style, familiar in all parts of the Union.

The audience in the street were so intent on the speaker, that they did not notice the advent of the two horsemen, or did not show it if they did. The speaker kept on at the oration, and they heard the last words:

"I tell you, fellow-citizens, that the time has come when the citizens of Satanstown have got to show that *they* run the county; and when these cattle lords, who think they are the kings of the State, must be taught their place. I'm running on the town ticket, and I challenge the candidate of the other side to come hyar, and tell these free and enlightened men I see araound me, that they ain't entitled to rule. We air the people, and the people air the kings."

Another loud shout showed how "the people" appreciated the compliment, and the speaker, who was recognized as Mr. Belshazzar Levy, continued, waving his arms more wildly than ever:

"They call him Top Notch Tom, and they blow, like all possessed, abaout his shootin', but

that ain't what's goin' to settle this question, gentlemen. The great people of Texas is a-goin' to settle it, and the cowboy candidate is a-goin' to git left every time. We've seen the caowboys to-night. They come here to run things, and they got left, too. Ain't that so?"

Of course this provoked another burst, louder than ever, and Top Notch Tom looked at the marshal, as he sat beside him.

Hank, the Nailer, was frowning thoughtfully, and pulling at his beard.

But Levy went on, louder than before:

"Yes; they come here to run things, and we run 'em aout. We've got thar best man, hyar, in the calaboose, and we're goin' to send him up in (the mornin', where he won't kick up any more musses; and naow I ask you all, whar is this Top Notch Tom that we hear so much of? Why ain't he hyar to take keer of the man they left behind 'em? Shall I tell you why he ain't hyar, gentlemen?"

He paused, and waited for the stillness that always comes over an audience, when a question is asked that interests them greatly.

"I'll tell you why he ain't hyar, gentlemen," he went on, when he had secured their full attention. "It's because he was afraid of the men of this town. It's because we run him aout, with the rest of 'em, and he ain't got the sand to come hyar. That's what's the matter."

They began to shout louder than ever at that; but the shouting died away insensibly, and was replaced by a hush, while a whisper, that began at the outskirts of the crowd, gradually spread, as the people at the borders recognized the figure of the very man the speaker had been berating, accompanied by the redoubted marshal, and saw that Top Notch Tom was waving his hand to the people, to get out of the way, that he might get near the barrel platform.

Mr. Belshazzar Levy, who wore spectacles and was intent on his subject, had not perceived what was the matter; but he found, from the stillness of the crowd, that something unusual was going on, and he stared all round him, uneasily; when the voice of Top Notch Tom was heard, over the buzz, which instantly became still.

"Gentlemen," said Top Notch Tom, in his clear tones, without the accent that Levy affected,—though he had it not by nature. "If you will take care of my horse for a moment, I should like to answer what Mr. Levy has just said. I don't seek any difficulty with him, because he is not a shooting man; but I want to show you that I can talk as well as he."

This proposition suited the crowd, for they were all in that state when they wanted nothing more than excitement, and a duel of words between two smart speakers is the delight of the Southern heart, and the custom of the country.

There was an instant opening of the crowd to the platform, and voices cried:

"Put him up! Let's hyar what he's got to say."

They allowed him to ride up to the platform, but Hank, the Nailer, took care to follow him, as closely as possible, and when the people saw the marshal, they gave way to him, with a respect that they would have showed to very few other men in the State.

Mr. Belshazzar Levy looked decidedly uneasy as the rival candidate rode up to the side of the platform.

Then Top Notch Tom gave his rein to Hank, the Nailer, and stood up on his saddle, stepping from it to the platform, with an ease that showed his tall figure to advantage.

The platform had been constructed by putting half a dozen planks on top of as many barrels, so as to raise the speakers above the heads of the crowd, whose faces were about the level of the knees of the orators.

Top Notch Tom, as soon as he had reached the platform, held out his hand to his opponent, and said to him, in tones that were heard all over the assembly:

"Good-evening, Mr. Levy. I hope this canvass will be conducted, as between you and me, as befits gentlemen."

Levy smiled, though he was rather pale in the moonlight, as he replied:

"Oh, of course, I hope so, I hope so. Nothing personal, you know, all strictly parliamentary, you know, of course, of course."

Top Notch Tom surveyed the other from head to foot, with an air that delighted the crowd, as he answered coolly:

"Of course, sir. Everything on *my* part shall be parliamentary. As for personalities, I don't think you would find it wise to indulge in those things *before my face*."

This little hit, after what Levy had just said, was received by the crowd with a laugh, and one man whispered to his neighbor that "there was goin' to be fun, you bet."

Then they all settled down to the enjoyment of the contest that was to take place, for their especial benefit.

Top Notch Tom was not such an old stump speaker as his antagonist; but he had the advantage of having a reputation among the people as a good shot, which goes for a great deal in Texas. He cast his eyes over the assembly before him, and at last began:

"Fellow-citizens of Satanstown, I am glad to



be here, to-night; if only to show you that Mr. Levy was mistaken, when he said that I was afraid to face the people of this town. I am here on this platform, and I have come here to stay, till the people of Satanstown tell me to get off. You have just heard this gentleman say he knew the reason I was not here to-night, to answer him. He told you I was *run out*, with the rest of the cowboys, and had not the sand to come back. Well, now, in the first place, as the gentleman has made one mistake, he is very apt to make more. I do not mean to accuse him of any deliberate falsehood, for I think he believed what he said at the time he said it. He had no idea that I was listening. Now, you see, I have come back, and the only question that remains is this: *Why* did I come back? I'll tell you why, gentlemen. There was a foolish, causeless quarrel, in this town, to-night, in which several men of your town were hurt, and which ought never to have occurred. It all came of a drunken man and his friends, and it was skillfully used, by persons who are trying to steal your property from you. This gentleman, beside me, as you all know, is the paid attorney for the great corporation that is now trying to take a hundred thousand dollars of taxes out of your pockets, to pay for the fences that were cut by an indignant people, when forbearance had ceased to be a virtue. The man that runs that company, here, came down to make the fight, and tried to persuade you that the men of the Glasgow Cattle Company were your friends. He ordered them out of the fight. Well, if you had left the other men alone, they would have drawn out too; but the fight went on, and we ranchers had to keep our end of the plank up; hadn't we? Of course. It is not a Texan who would grumble at a man for helping his friends in trouble. We did so and you ended in driving us out of the town. That was your victory, and I am the last person in the world to deny it. But I want to say one thing more to you, and then I shall have done. If you think that this gentleman is the best man to represent you in the legislature, I am perfectly satisfied, if I am beaten fairly on election day; but, before you vote for him, see that he withdraws the suit he has begun against the county of Satanta to make you—*you, gentlemen*—pay for the fences that were cut, months ago. They are charged in the bill, at three hundred thousand dollars, and you can think whether you would like to elect the lawyer who is planning that raid on your pockets, to represent you in the legislature. As for me, I have the honor to wish you a very good-evening."

And so saying he strode off the platform; put his foot on the saddle, and slid down to his seat again, before Levy had had time to say a word in answer.

But as he rode away, no one cheered him, and Hank, the Nailer, observed to him:

"Guess ye didn't make much, that time."

## CHAPTER V.

### A MODEL JUSTICE.

"JOSE CONCHA, Justice of the Peace" was the sign painted on a tin shingle, and displayed on the window of a house on Main street.

Judge Concha was a relic of the Mexican days in Texas, as his name and face indicated, for he was of the bastard, half-breed blood that prevails over so large a portion of Spanish America, and is likely to be the bane of the southwestern States of the Union.

Jose Concha was fat and dark, with twinkling eyes that had been very handsome in the days of his youth, when he had been slender, and had seen the coming of the *Malditos Yanquis*, who had since stolen the State.

He was a small boy at the time of the battles of the Goliad, Alamo and San Jacinto, but he had learned to hate the "Yanquis" already, and he hated them just as badly, now, when he was a man of sixty, as he had at twelve, though he saw no means of ridding the country of their domination.

But to hear him talk when there were none but Anglo-Saxons round, no one would have thought but that he was the greatest lover of the race to be found in the United States.

He was always polite, and he had a soft voice and caressing manner which had gained him popularity and landed him in the chair of justice, and the receipt of an income of about five hundred dollars a year from the office, besides what he had of his own.

Yet Judge Concha could be very severe and merciless on occasion, when he wished to inspire terror, and he had sent up many a cowboy, after he had been captured and ironed; for there is no man so harsh as one who is naturally timid, when he gets a chance to exercise severity, with no fear of the consequences.

The judge was in his house that night; for he had a natural aversion to the speers which the Satanstown people affected as their delight, and kept away from them, when he could.

He heard the shouting in the streets, and said to his wife, who came of the same race:

"Carmelita, my angel, they are at their old

tricks. I shall have to fine many, in the morning."

The judge was fond of fining, for the double reason that the victims generally paid and that the town jail was unfit for the incarceration of many prisoners.

Out in Satanta county, the accounts of the justices were not inspected with the severity with which Northern town auditors scan the monetary transactions of their officials, and the general opinion was that, if a man had an office, he would be a fool not to make all he could out of it. The fines went into the pocket of the justice, and if her minister profited by them, that was his affair, and no one cared to meddle with it.

And, just as the judge said to his wife that "he would have to fine some one in the morning," a ring came at the bell, and he added:

"That is one of them. You will see."

He went to open the door, and found the city marshal outside, accompanied by a tall gentleman, in the dress of a rancher, who was also a dandy, for he sported Mexican velvets, and had huge jingling spurs that adorn the heels of *vaquero* and cowboy alike.

The marshal saluted the justice respectfully, and introduced his companion as "Mr. Field."

The judge invited them to walk in, and, as soon as they were in the little parlor, said to the tall stranger:

"Excuse a me, *senor*, bote I haf seen you, I t'ink, before."

Field bowed.

"You have, sir. I am the man that was tried for killing Tomlinson in self defense."

Concha smiled.

"Ah, yes, sare, I remembare. It was a very nice case, and you did beat Levy very well. Are you in trouble again? I hope-a not."

Field smiled.

"No, not this time, though there's no telling what *may* happen. I have come to bail out a poor fellow who got into a fight in town, to-night, and is in the calaboose, I understand. He was at Baldy Mac's and they laid him out with a club. He is to be brought before you in the morning, and I want to bail him out so that he may go home. I will be answerable for his appearance at court. He has been on a great spree, and they are apprehensive that he may be attacked with *delirium tremens* if he stays in the calaboose all night. What bail do you ask?"

Concha listened without interrupting till the other had finished, when he rubbed his hands and said, in his smooth, oily tones:

"Dat is a serious affair. De man is in de calaboose, you say, and has been hurt. He most be a bad man. I should vant to hear more of de case before I take de bail."

Tom Field drew his brows together, while Hank the Nailer discharged his face of all expression, and looked out of the window.

Tom came close to the justice, and whispered:

"Come, I know what you want. Tell me what, and you shall have it."

The judge cast a quick glance at the marshal, and answered in the same tone:

"De fine is ten dollair. Dat *most* be certain-a, and de man can go. He vill be here in de morning, you say—you vill be responsible for that?"

"Certainly *not*, if I pay the fine in advance," said Field, quietly. "You are not certain if he has committed any offense. I understand that it was a case where he struck no blow, but was struck down without an opportunity to defend himself. The marshal heard the story."

The judge's eyes twinkled as he said:

"Dat is different case. But, if he is not dere in de morning, and de prosecuting officer is, vat den? De marshal is responsible for his escape. If you vant him to go home, and haf no more trouble, it vill be twenty dollair."

Tom Field put his hand in his pocket, and took out a roll of bills, at which the eyes of the justice glittered like dark diamonds.

He could hardly refrain from putting out his hand at once, but Field took two ten-dollar bills from his bundle, and offered them to the judge, with the remark:

"Then we are *assured* that there will be no more trouble, if this is paid?"

The justice made no answer till he had got the money safe in his clutches, when he answered with the utmost cordiality:

"My dear sare, ven Jose Concha say dat de prosecution vill not appear, de vorst is ovair. You vill take glass wine?"

"No, thank you, judge," said the rancher, rising, with an expression of some contempt on his handsome face. "I have business at the calaboose. Will you give the order to the marshal?"

The judge instantly went to his desk, and took out an order of discharge, which he filled out and gave to Hank the Nailer, who had waited, with imperturbable calmness, all the time. Then the two men left the room, and Hank remarked, as he got outside:

"Them Greaser judges ain't like the reel ones,

\* See "Old Cross-Eye, the Maverick-Hunter," in Dime Library No. 395.

Mr. Field. But it's all right, I s'pose. The order's my authority. Let's go to the calaboose, and let the pore feller out."

They proceeded there, and found the unfortunate Bill, as they had feared, in a dark room, all by himself, and in a terrible state of mind; for when they opened the door, he uttered a wild yell, and rushed to Hank, the Nailer, whose knees he embraced with great fervor, shrieking:

"Take 'em away! Take 'em away, Hank! Oh, my good jumpin' Geeroosalem! The room's full of 'em, thar a-crawlin' all over a man."

He was ashy pale, trembling like a leaf, with a wild glare in his eyes that told the story of his disease better than description. Sandy Bill had "the jim-jams" badly, and they had to get him out in the moonlight, before he got at all reasonable.

The sight of Hank, the Nailer, and Top Notch Tom, whom he knew well, and trusted in his lucid moments, had a good effect in calming the poor wretch; and, as soon as he saw his horse, which they had brought to the calaboose, he tottered toward it and tried to mount, when he almost fell to the ground from weakness, and the effect of the blow he had received on the head.

Then he started back, shuddering violently, and muttering:

"My God, thar all over the hoss, too!"

Tom Field came to him, with Hank, the Nailer; and spoke to him sharply:

"Come, get on the horse quickly, and come with us. We won't let them hurt you, Bill. The boys are all waiting for us at home, and, the sooner we get there, the better it will be for us."

The poor wretch seemed to be calmed by their voices, and tried to climb into his saddle again when Tom helped him in, and kept his hand on the leg of the demented cowboy, saying:

"Now look here, Bill. I came to take you out of the calaboose, and I am going home with you. You have been drinking too much; that's all. Here, before you start, take this."

He pulled, from the pocket of his velvet jacket, a little flask, and gave the poor fellow a few spoonfuls of diluted bromide of potassium, the effect of which enabled Bill to ride home with his friend, who had been bred a physician.

Hank, the Nailer, rode with them out of the town, and when they were outside, he observed to Field, as he took his leave:

"I'll do what I kin with the boys, Mr. Field; and ye kin be sure I won't let that Jew feller be lacted 'ithout a good fight. The boys is on your side, as far as the shootin' is concerned, or they wouldn't hev listened to ye, as they did, to-night; but ye didn't do yerself much good by lettin' on, they'd whipped the ranch crowd. They'll git to thinkin' they *kin*, arter awhile, ye know; and that ain't a good thing in Texas. Ye've got to keep yer own eend up hyar, sir."

Then the Marshal of Satanstown rode off, and Tom Field and his companion took their way at a gallop across the prairie, toward the Collingsworth Ranch, passing Punch Burleson's on the road.

As they neared the latter place, they found one of the cowboys on post; and to him Tom gave the repentant Bill in charge, with strict injunctions not to leave him alone, any more than possible; for "the jim-jams" might return.

Bill, on his part, was so impressed with the necessity of keeping company, that he offered to stay out on post all night, if his friend would not object, and Tom rode away, leaving the pair together.

The cowboys of the ranchers had been compelled to patrol their ranches at night, ever since the first cutting of the fences; for the company's men never let slip an opportunity of setting up some of their barbed wire abominations in the night, and the ranchers knew the old adage about "possession being nine points of the law."

Tom Field took his way toward his own home, with a much lighter heart than when he had gone to town; and, as he came near the house, saw that there were lights in the windows, while the sound of a piano, coming over the prairie, produced a very pleasant effect in the soft autumn night.

The young man smiled to himself, and his face lighted up; for he was a young husband, who had made what very few men in this world get a chance to make, a happy love-match, before they have experienced any disappointment.

He listened as he rode on, and presently heard the voice of a woman singing, very sweetly, the old song that once made so many hearts yearn with tenderness: "Maryland, my Maryland!"

Then he galloped rapidly up to the house, across the smooth lawn, and a female figure in white came fitting out to meet him, crying:

"Why, Tom, you sent word that you were not to be home to-night. I am so glad to see you."

It was the figure of his wife, and he knew it in a moment, for Diana Field was just as pretty as Diana Collingsworth had ever been.

As the young man dismounted and clasped her in his arms, he asked fondly:

"How did you know it was I, Di?"



## CHAPTER VI.

## THE LAST QUIET EVENING.

SHE laughed a low laugh of great content, as she answered him:

"Did you suppose that I had been married *all this age*, and not come to know the sound of *your* horse, among a hundred others? They say, women, in the North, learn to know their husbands' footsteps. I never had a chance to do that, because I seldom find you on foot; but every man has his own style of riding, I suppose; and that's how I recognize your horse, no matter if you have a different one, every night."

Then, as they walked slowly toward the house, with his arm around her waist, she added, softly:

"I know you did not intend to stay away from me, all night. It would be the first time, since we have been married, if you had, dear."

"Oh, you're getting too exacting," he said, in a playful tone. "Suppose I *have* to do it, what then? You would not forbid me from going to my business, would you?"

"Your old political business can wait," she said, with a pout. "I wish there was no such a thing as politics in the world."

"So do I, dear," he said, with a slight sigh; "but what is one to do, when his friends insist on his standing for an office he does not want, and would be glad to be excused from? They do not know how to protect their own rights, and have set me up as their champion."

They had got to the broad piazza, by this time, but still Diana seemed in no hurry to go in, as she stood there, in the moonlight, with her husband's arm round her waist.

Very silly, of course; but then they were in Texas, and the ardor of a three months' bridegroom, had not had time to cool before the advent of the first "Norther."

The house was full of people, for the voice of the singer was not yet silent, and Diana probably was too polite to walk in and disturb her.

As she stood on the piazza, the song ended, and Tom observed:

"Helen is in very good voice, to-night. Is any one there, Di?"

Diana tossed her head, as she said:

"Yes. *Punch*, and *Limpy*, and the rest of that crowd of intellectual gentlemen, with the euphonious names. One won't move, because the other won't; and if I were Helen, I'd send the whole of them packing."

Tom laughed.

"You selfish little thing! Do you want Helen to throw away all her chances because you have got a husband? She has the best right to get married anyway, Di, for she is the oldest."

Di made no answer, for she was listening to the people inside, and heard the voice of Deaf Smith saying:

"Thankee, Miss Collingsworth. Them old songs warms one's blood. That 'ere 'Bonny Blue Flag' is a right sweet song, ain't it?"

Diana giggled as she listened, and whispered to her husband:

"She had the wrong music open on purpose. That man never *will* admit that he is deaf."

Then they heard the voice of her sister in the room saying, slowly and distinctly:

"It is a very sweet song, Mr. Smith."

"And then, thar's that 'Maryland, my Maryland.' I used ter like that amazin', in the old times," the deaf rancher pursued, tranquilly. "I wish ye'd sing that jest fur onc't, Miss Helen."

Diana pinched her husband's arm as she whispered:

"There, now, I suppose you think *he'd* make a very nice husband; *wouldn't* he, sir?"

Tom Field made no answer; and she went on, in her low, cooing tones:

"In fact, I think *my* marriage has spoiled Helen for the rest. She has often said to me that she would marry at once, if she could only get a husband like I have. I wonder how it was you never took to Helen, Tom? She's ever so much nicer than I am; isn't she?"

Tom pressed her arm to his, as he said:

"She can hardly fish for compliments as well as some people I know, Di."

"No; but seriously, I mean it, Tom. She is not a bit less—less—well—"

"Prettier than you, you mean?"

"No—well—never mind that. But I mean that she sings and I don't; she plays and I don't; she is a good cook and an excellent housekeeper, and I used to hate housekeeping—"

"Do you hate it now?" asked Tom, suddenly interrupting her.

Diana laughed as she said:

"No, it's funny, very funny; but I'm getting to like it ever so much now, and trying ever so hard. But that is not what I meant. I meant that before I was married I knew nothing in the world except how to ride and shoot a little, and all that sort of thing, which are not feminine accomplishments at all. And yet, somehow, though Helen was ever so superior to me, you let her go, and fell in love with me, dear."

She ended by squeezing his arm, as they walked to and fro on the end of the piazza, away from the lights of the parlor, where the ranchers were crowding to offer their incense

at the feet of the remaining daughter of the judge.

Tom laughed as he heard the artless speech of his wife, and his heart swelled with tenderness.

He felt unusually happy that night, and long afterward remembered it. He had been happy before, but never *realized* it so much as that night, when he had just been in a place where danger had been great, in case he had made a mistake. The return from Satanstown, and the clamor of the drunken ruffians that composed the major portion of its inhabitants, to the peace and quiet solitude of the ranch was so grateful that he felt, as he had never felt before, that his lines had fallen in very pleasant places.

He pressed his young wife to his heart again, out in the seclusion of the shaded piazza, where the vines shut them in from observation, and there was no one to pry, and whispered:

"Why did I go and fall in love with you, dear? That reminds me of a little song."

"Then you shall sing it for me this very night," she said eagerly; for if there was one thing she was proud of, it was her husband's voice, though it was only an ordinary tenor, with barytone notes in the lower register. "Come in and sing. The boys will be delighted, and it will give Helen an opportunity to escape."

Then she dragged him into the parlor of the house, and the ranchers all jumped up as soon as they saw him, as she had known they would, and began to wonder what had brought him back. Helen Collingsworth, who had been sitting at the piano with a look on her face as if she was, as Di had said, secretly bored by the homage she was receiving, turned round smiling to welcome her brother-in-law, and kissed him before them all, to the great jealousy and vexation of the crowd, who had no idea that she did it for the express purpose of driving them away if she could.

Then Di began to tell how "Tom had got a new song, and she wanted him to sing it," and the ranchers, who were very proud of their comrade, though they could not help being jealous when they saw him kissed by the prettiest girl in the county, joined in the request, and Tom sung as follows:

## WHY DO I LOVE YOU?

Out by the orchard, the birds are calling;  
Gayly the tasseled corn waves in the breeze;  
Over the clover-field shadows are falling;  
Full of the humming of bees.  
What do the bees murmur down in the clover?  
What are the birds singing, as they fly over?  
Hark, and sweet Nature's voice you will discover,  
Calling in accents like these:

"Why do I love you so, darling, darling?  
Why does my heart give a bound when you're near?"

Why does it sink, when you're gone from me, darling?  
What is it makes you so dear?

"Truly I cannot tell, darling, darling,"  
Warbles the bird to her mate on the tree.  
"Only one answer I make to my darling:  
'Never forget to love me.'  
Love is enough for itself, dear, and therefore,  
Seek not to ask of the why and the wherefore;  
All that I know is, that all that I care for,  
Finds its sole being in thee.  
Why do I love you so, darling, darling?  
Why does my heart give a bound, when you're near?  
Why does it sink, when you're gone from me, darling?  
What is it makes you so dear?"

The rude ranchers listened respectfully, but the applause they gave would have been much louder if the song had been sung by Helen Collingsworth, who smiled as she heard it, and gave her sister a look, as if she knew what it meant; for Tom had a gift of scribbling poetry and music, which no one but the girls knew of, and which he hid carefully from all the rest of the world.

Deaf Smith applauded as loud as the rest, and then cried out, with an emphatic thump on his knee:

"I'll back Tom Field ag'in' any man in the caounty to take the music aout of the old thing with the strings—what d'ye call it—a pianny. He kin jest warble 'Hum, Sweet Hum,' like a bird, and that's more'n any other man in the caounty kin say, Punch; ain't it?"

Punch nodded, for no one contradicted Deaf Smith, or insinuated, in any way, that he could not hear everything that was said. He made out a great deal by watching the lips of the people he met, and he had been watching Tom as he sung, with the utmost attention, for he went on:

"Folks thinks I'm a little hard of hearin', and I won't deny that I don't hyar ez well ez I used ter, when I were a boy; but I c'd tell what you was a singin', as well as if I'd had it squealed inter my ear, Tom. You was a-singin' 'Hum Sweet Hum' and I defy any man in the room to beat ye at it."

The respect everybody showed to Deaf Smith, on account of his infirmity, could not prevent a smile; but he did not notice it, as he went on: "They may talk about the Eytalian opory, and I've heerd as much o' that as

any man in this room, afore the war, when I usedter live in York; but give me the old humbly ballads, we all loved, arter ail. Hum, Sweet Hum's a right sweet old song, ain't it, Tom?"

"It is," said Tom, slowly. "Far better than anything I could sing, Smith. Glad you liked it." Deaf Smith rubbed his hands with great satisfaction, as he observed:

"I'm a-gittin' to hyar better, every pay, boys; and mebbe, some day, I'll astonish ye all, when I git aout that old fiddle, I used ter play on, and give ye some of the old chunes."

"What?" asked Helen, facing the deaf rancher, so that he could see her lips distinctly. "Can you play the violin?"

Deaf Smith nodded; but a sorrowful expression swept over his face, as he said:

"Not now, I'm afeard, Miss Helen. I kin feel the strings, as well as ever, but I kin play when they're chuned fur me; and I ain't got the ear I had, onst, when I c'd tell the pitch of a note, as fine as ever a man ye see'd. No; I wouldn't try to play now."

Then he roused himself, briskly, to add: "And hyar we air, a-keepin' up the family to all haours, and we got to ride hum. Good-night, Miss Helen. Good-night, Mrs. Field. Glad to see the old man come back safe again. Had lively times in taown to-day—"

Here he was warned, by the faces of his friends, that he was treading on forbidden ground, and he added hastily:

"That is, nothen partic'lar, of course; but the boys had a lively time, ye know. Drive money had to be spent, and I reckon it's about all gone, and the boys ready to go to work again."

## CHAPTER VII.

## THE ENGLISH OVERSEER.

THE head-quarters of the Glasgow Cattle Company, where their men were boarded and where the overseer resided, consisted of a huge structure built of logs, in a style that put the ordinary log-house to shame; for it embodied the fancy of a famous Eastern architect.

The basement was of the rough limestone of the county, left as rough as nature meant it, on purpose to give it a rustic air, and the superstructure, on this base, went up two more stories, with all sorts of quaint surprises in the shape of oriel windows and balconies; gables with the ends of the face-logs projecting; rustic-work verandas; log chimneys and bark coverings to the roof; while, inside, the appliances of modern civilization were freely displayed to any visitor who might be attracted to enter.

But visitors at the Glasgow Cattle Company's ranch were few and far between; for the social position of the overseer, since the cutting of the fences, was one of complete isolation in the county.

The ranchers hated him, and no one would go to see him; while he, after an effort to make friends with Judge Collingsworth, on account of his two pretty daughters, had subsided into his solitude, though not before he had got into a quarrel with the judge and caused him to be shot at by one of his hired desperadoes, of the name of Tomlinson, who had subsequently been killed in fair fight by Top Notch Tom.

The day after the general fight at Satanstown, Mr. Berkeley, the overseer, was standing by the front veranda, ready to mount his horse and ride off to inspect the ranch, when he saw a man coming from the direction of the town, whom he knew, from his uniform, to be one of the company's servants.

These men, under the guise of cowboys, were really desperadoes gathered from all the neighboring counties of Texas, whence they were generally fugitives from justice, for homicides of all degrees of excusability or non-excusability; and they had been originally sworn into the service of the county or State as special constables for the protection of the company's property from the supposed danger in which it lay, of outrage at the hands of the ranchers of Santa-tanta county.

Since the cutting of the fences, however, the ranchers had succeeded in getting from a judge of one of the State courts, an injunction, which prevented the company from erecting any more barbed-wire fences, pending the determination of a suit, brought against the company in the name of all the ranchers of the district over which they claimed sway.

The certificates of the special constables had been revoked at the same time; and the only advantage possessed by the "red hats," was the fact that they exceeded in numbers the force that any individual rancher could bring against them, at least three to one, and the whole body of ranchers was thus compelled to stand together, in resisting the encroachments of the corporation that threatened their very existence.

The man that Berkeley saw, coming from Satanstown, was a messenger he had left behind him, to communicate with Mr. Belshazzar Levy, in case he wished to send word to the ranch; for Mr. Levy was the company's lawyer, and, moreover, their candidate for Assembly, as the overseer could not run himself, being yet an alien to the country, and giving no signs of an intention to become a citizen.



Mr.—or rather Captain Berkeley—for he had been a captain in the British army, at one time of his checkered career, and retained the title by courtesy—took his hand from the neck of the pony he was about to mount, when the man came to sight, and waited his advent, with a frown on his face. He knew, from the coming of the messenger at that early hour, that he had a message, and all the missives he had had from Levy lately had been news of evil.

The man came up and handed him a letter, which he tore open, and read as follows:

"SATANTOWN, August 27th, 188—.

"MY DEAR CAPTAIN:—I am sorry to say that Concha has gone back on us. The man they took last night, and who was to have been made a handle of this morning, was let off by the judge, on the payment of a fine, as Concha tells me. He has returned to his ranch, and there ends all hope of making any capital out of his case. I never thought much of your plan in that direction, anyhow.

"I made all I could out of Field's being in the fight, but he came back after you were gone, and made a speech against me on the platform, in which he used, very skillfully, the fact that we have a suit against the county. He made a mistake by admitting that the townsmen got the best of the fight last night; for they are all on their muscle ever since; but the result of the whole affair is not what you may call wholly favorable to our side. Either we shall have to rely entirely on the suit; or, if we want to go into the legislature, we shall have to abandon it. We cannot ride two horses any longer. My object in writing is to ascertain the sentiments of the company on the subject. The costs of the suit, as far as it has progressed, amount to six hundred and fifty-seven dollars and thirty-seven and a half cents.

"If these are paid, it will be a boom for our side; as we can then point to the magnanimity of the company, and claim the election with perfect safety, if I know anything of popular opinion. If we let it go on, and continue the canvass at the same time, it will take a great deal of money in Satantown to overcome the opposition we shall undoubtedly encounter. Is the company willing to stand this or not? I am told that your English stockholders are obstinate and rich. It will be a matter of about five thousand dollars to make things quite sure; but, for that, I can do it. Answer, or come to see me; for, as things now stand, if nothing is done, we must lose one of the two events.

"Yours truly,

"[Confidential.]" "BELSHAZZAR LEVY."

When the captain had finished the reading of this characteristic epistle, he stood by his pony, in a brown study for some moments before he said to the man:

"Go back and tell Mr. Levy that I'll come and see him this morning, at his office. I'll answer this then."

The man rode off, at the usual gallop of the cowboy who has plenty of horses at command, and the Englishman mounted his own pony and set out for his usual morning round of the ranch.

He felt in a mood that made him peculiarly ready to take offense at any person he might meet; cursing all lawyers and Jews, and everybody who had helped to bring him into the position indicated by the letter.

For he was, after all, only agent of a company; and the stockholders were mostly Scotch, and therefore grasping and stingy to the last degree; while they were always ready to suspect the acts of their agents. He had had a great deal of trouble to justify what he had done, or rather what he had suffered from the ranchers when the fences were cut.

The loss to the company had been more than a hundred dollars for every hundred and fifty yards of fence that had been destroyed, and he found it difficult and almost impossible to make the quiet Glasgow people, who lived in the midst of law and order, understand the state of affairs in Satanta county, Texas, or the prospect they had of ultimately getting back all their losses, when the reign of law was re-established.

The Scotchmen naturally thought that a land which permitted such things must be a den of savages, and could not comprehend what grounds the overseer had for hoping damages from a community that must decide the case against itself, if at all.

Many of them were inclined to give up what they had lost, as a bad job; and not "throw good money after bad," but the agent of the company, who had his office at Galveston, and was a staunch friend of Berkeley, had managed to keep up the hearts of the depositors, so far, by his representations, and they had sent the money to build new fences and bring the suit, which Berkeley was now informed must be abandoned, if aid was to be expected from the legislature.

Altogether his mind was in a very dissatisfied frame, as he rode away, that morning; and he cursed Levy, and saw through the whole of the letter at once.

"The dirty beggar wants to get his own costs safe, and his election sure, at the same time," he said to himself, as he rode along. "Confound the luck! It isn't like standing for parliament at home. There a fellow knows what he's got to expect, and pays his money like a man. But I can't stand for their confounded legislature, for I don't belong to their confounded country. If I did, it isn't this Jew, would be able to take my money from me.

But he's got the whip-hand of us, and he knows it; confound him."

Then, as he arrived at the line where the fence of the company used to stand, now marked only by the line of post-holes, at long intervals with an occasional fragment of wire hanging, he burst out, with an oath:

"I'll be hanged, if I do it. We'd better give up the election than the suit. Who knows, if this Jew were elected, if he wouldn't sell us out, just as he wants to do, now? He shall carry on the suit; and, as for his election, that can wait."

The decision taken, he felt a little comforted, for he knew that the demand for more money, at that time, might end in the company selling out, at any cost, to the ranchers; and he knew, moreover, that the ranchers were eager to buy.

And if they *did* buy, the place that had known Berkeley, would know him no more; for he was the most unpopular man in the county at the time, and would stand no chance, as a rancher, by himself, with all the enemies he had made, while he had his brief period of power and money at command, when the cattle company first came to the county.

Thinking over all these things, he determined to let matters slide for the present, for he had an idea that the Jew, if no money came, would be apt to come down from his terms.

The overseer made his rounds, thinking over the best course to pursue; and, as he was nearing the confines of the company's property, where it bordered on the ranch of Judge Collingsworth, spied the figure of Tom Field, who was riding slowly along the outskirts of one of the judge's herds, talking to the cowboy on duty there.

Berkeley looked round for his own men, and saw that there were about five or six of them, in sight, and that they had taken their course toward him, in obedience to the orders they had received, to keep the overseer in sight, whenever he took his morning ride.

It was his policy to make all the fights he could, with the odds on his own side, in point of numbers, where there could be any pretext of self-defense in a quarrel; for he was aware that the plea of self-defense was an impregnable one, in Texas, in cases of homicide.

Six to two, and no witnesses; was a very satisfactory state of things for a quarrel; and the captain, although not a native of Texas, had been in wild countries, in other parts of the world, too long, to need much instruction on the subject of a fight.

Tom Field's back was turned to him, and he was speaking to the cowboy in attendance, and pointing to some of the cattle, as if he were giving orders to him, as to the branding, which would soon take place.

The captain looked round at his men, whom he knew to be watching him closely, and made a signal with his hand, which they understood, as an order to close in.

Then he rode on among the cattle, which were feeding all round him, and made his way toward the pair of rivals he had determined to attack, with an air as if he did not see them, but with the intention of setting on them suddenly.

The desperadoes he had hired obeyed the signal promptly, and he neared his victims.

## CHAPTER VIII.

### TOP NOTCH TOM.

In five minutes from the time Berkeley first spied Tom Field and his man, the Englishman had gotten to within a hundred yards of his foe, unnoticed, as he thought; and his men were within easy shot of the pair.

Field had his back to them, and the cowboy with him was listening to what he said, when the captain suddenly set spurs to his horse, and rode through the cattle toward them.

He had intended to surprise and force a quarrel on Field, with all the advantages in his own favor, and his surprise may be imagined, when the flash of a rifle was followed by the whistle of a bullet, and the hat was knocked from his head, just before Tom Field turned, with the utmost tranquillity, and called out:

"Be kind enough to keep your distance, sir. I don't like men riding at me in that way. It is not polite, in Texas."

His rifle still lay across his arm, where it had been lying when he fired the shot which had knocked the Englishman's hat off, and the cowboy with him at once wheeled his horse, and pulled his pistol, with the celerity of a man who was used to rapid work on horseback.

Berkeley, in the flurry of the shot, taking him so unexpectedly, when his enemy's back was turned had pulled up his pony; and now he cried, with well simulated indignation:

"What the deuce do you mean, sir? Has a man no rights on his own ground?"

He was within thirty yards of Field when he asked the question, and let his horse walk forward, in the hope of stealing a little closer without exciting the suspicions of the other, to find out how the shot had been fired, which had upset all his calculations of surprise.

His men, true to their training, were also stealing forward among the cattle, with the

same object, and he trusted to get the advantage he desired, before the shot could be repeated.

Tom Field, on his part, had his Winchester rifle over his arm as before, and the sun caught the face of a small mirror, set in the elevating sight, instead of the usual peep-hole, through the aid of which the shot had been fired which had puzzled Berkeley so much.

Top Notch Tom kept his eyes on Berkeley, and muttered something to the cowboy by his side, which caused that individual to turn his horse once more, and face to the enemy, stealing down.

Then Tom called out to Berkeley:

"Look here, you, sir; I don't seek any difficulty with you; but, if you don't order your men away, we shall be compelled to fire, in our own defense. The odds are too great to throw away a shot, you know."

But Berkeley had been prepared for anything in the way of an ordinary fight, and he had his pistol down at his side, all the time, though he desired to get a little nearer, before he opened hostilities.

He had not taken his rifle with him, that morning, and the pistol was a better weapon for the purpose he desired to accomplish.

He called out in return:

"My men are on their own ground, though you night-riders have cut the fences; and we have a right to ride where we please. If you fire, it will be at your own peril. That shot at me was an insult, and you meant it as such."

Top Notch Tom laughed as he replied:

"You are mistaken. It was only a warning that I saw you, and didn't propose to be jumped. I warn you now, that, if you try to attack me, it will be the worse for you."

But Berkeley had noticed that, by this time, his men had stolen closer to the cowboy behind Tom, who seemed to be awed by the odds; and the captain was just about to raise his pistol and dash in, to decide the thing by a rush, when the rifle of Tom Field, which lay over his arm, as he faced Berkeley, suddenly exploded, and one of the company's men threw up his arms and fell from his horse; his hat going off, just before he fell.

Top Notch Tom had not looked round that way; but appeared to be absorbed by his conversation with Berkeley.

It is true, that, while talking, he had been looking down at the stock of his rifle, at short intervals, shifting his glance from thence to Berkeley and back again, but the captain had paid no attention to that, and had thought himself sure of his prey, in spite of Tom's reputation as a shot, when this astounding proof of the rancher's skill came upon him like a thunderbolt, and caused him to open his eyes in wonder.

Berkeley counted himself a good shot, and thought that the stories he had heard of Top Notch Tom were exaggerated; for he had the fault, common to most Englishmen, if they have traveled extensively, of thinking that their experience embraces all that is possible in the domain of fact.

Yet he had just had ocular proof that the stories had not been exaggerated.

He had seen this young man, with the air of a poet and the dress of a soft-handed dandy, fire a shot and drop his man, without looking at him, all through the reflection of a little mirror, whose presence he would not have suspected, if the sun had not happened to flash on it for an instant, as Tom turned to face him.

Top Notch Tom saw his amazement, and spoke to him, in the same calm way he had used all along:

"Look here, sir, I said I didn't want any difficulty with you; neither do I. I am a man who naturally hates brawls. I was brought up as a gentleman, and desire to stay so. I have never killed but one man, deliberately; and he was one I dared not leave alive, for he would have killed me, if I had not finished him. Your man, yonder, is not dead; but only stunned. I sent the ball to graze his head and take his hat off. By that you can judge whether I am a quarrelsome man. Now, sir, will you go back, or will you take what you deserve, if you press this matter any further?"

But Berkeley had been thinking all the time his foe had been speaking, and the last words were hardly out of Tom's mouth, when the Englishman fired from his hip, hiding the pistol behind the neck of his horse, and the shot struck the young man, while the other men, at the signal, opened a fire from their pistols and with a tremendous yell, came charging down on the two, who had been holding them at bay.

Berkeley, as soon as he had fired, set spurs to his horse; dashed at Tom with a pistol in each hand; and the fight became a *melee*, which lasted but a few seconds. The unfortunate cowboy, who had been with Tom, was shot down in the very first volley, and the young rancher had to turn his pony and flee for his life, pursued by the five men still left to the other side, firing as they rode after him.

How severely he had been hit, Berkeley did not know; but he hoped it was bad enough to make the chase a matter of but a few minutes.

Away dashed Top Notch Tom, mounted on a



very fine pony, spotted like a carriage dog and known as a "paint broncho."

It had been a present to him, from an Indian chief in the Territory, whom he had known well; and was an animal of remarkable swiftness.

The cattle company's men were well mounted, but they could not catch Tom's pony; neither could Berkeley, who was a much heavier man than the young rancher.

But the pursuers, if they had a disadvantage in horse-flesh, had a more than compensating superiority in the numbers of shots they could fire, almost without danger to themselves as they thought. Had they got a little closer to Tom before they opened their volley, it is pretty certain they must have overwhelmed him with the hail of revolver shots they sent whizzing round him.

As it was, before they had gone fifty yards, another shot pealed from the rifle of the flying rancher, and another of the cattle company's men dropped from his horse, this time shot through the breast, though not killed.

Berkeley, savage at the way in which the other was fighting, and seeing the demoralization it was causing in his men, shouted:

"Aim at the horse, ye fools. It's only a trick."

The words were not fully out of his mouth, when a third shot came from the fugitive, and Berkeley's own horse stumbled and threw its rider, while the rest of the cowboys began to pull at their horses, as they saw the terrible effect of these mysterious shots from the man in front, who had not even turned his head, but rode on, looking down at his horse's mane, apparently, with his rifle over his arm, the muzzle pointing back at the enemy.

Before they stopped entirely, they fired a volley at Top Notch Tom, and had the pleasure of seeing the blood spurt from his pony, in more than one place, but the shot the rancher fired in return, sent another of the cowboys to his long home, and the rest gave up the pursuit in dismay; for such a foe they had never met, in all their desperado experience.

Berkeley scrambled to his feet, and emptied his revolver after the fugitive, with the only result that another shot came back from Top Notch Tom, fired, as before, without the fugitive turning his head, the bullet whizzing close to Berkeley's head, but only calling forth from him the defiant shout:

"Missed! You see, you fools! He's only a man, after all. Keep on, and you'll catch him. Give me a horse, and I'll go after him alone."

The course the fugitive was taking was toward the Collingsworth ranch house, and the captain was quickly accommodated with a fresh horse, when he rode away, with his four remaining men, and gathered up all the others he could on the way.

The result of the battle, so far, had been that Tom had killed one of his men; seriously wounded another, and had stunned a third, all without turning round to take aim, while Berkeley had killed one of the Collingsworth cowboys, and had wounded Tom and his pony, together; though how badly he did not know.

He had heard the thud of the bullet, when it struck the young rancher, and had seen the blood spurt from his shoulder, when the young man had turned his horse to flee.

Now, as the captain rode along, he found his men flocking to meet him, attracted by the sound of the shots, and Top Notch Tom saw them coming to intercept him on all sides, while the men on the Collingsworth ranch were out in the range, gathering up their cattle.

But the men of the cattle company had too much respect for the powers of Tom to dare come too close to him, if Berkeley was not there to encourage them to the chase.

They had heard of his marvelous way of shooting, and most of them were inclined to attribute his powers to the instigation of the Evil One; for, even in free America, there is such a thing as superstition, and the cowboys are not exempt from it, though it takes a different form to that which it assumes in older countries.

They made for their chief, as they saw him coming, and avoided Tom who was thus enabled to reach the ranch-house, and ride into the door-yard, where he found the people from the house coming out, attracted by the sound of the firing.

Among those who came was his young wife, who immediately screamed out; for she saw that he had been hit, and the blood was streaming down one of the sleeves of his rich jacket.

As he rode in, he held up his hand, as a signal for silence, and then called out:

"Be quiet, all of you, and listen. I've got to go from here, and you have got to be firm. This is a job the cattle company have put up, to drive me out of the county, on the pretext that I have shot a man. I have no witnesses, and they will swear to anything. Where is the judge?"

Old Judge Collingsworth, who had been hard hit not six months before, himself, came out of the house, looking pale but resolute, and called out: "What is it, Tom? Shall I get the boys and fight?"

"No, sir," was the hasty reply. "Not much time to lose. Listen to what I say. Jim Boggs was hit to-day; but I don't think he was killed. If he is alive, get him, and get him cured. My life depends on his testimony, as it did on yours. He saw the fight opened. No more now. Here they come."

And with that, he dashed out of the door-yard, and away over the prairie where he was instantly hidden from view in some chapparal timber, while his poor young wife, her face as pale as death, stared after him, as if she could not understand what had happened, and her father took her in his arms, and said in a trembling voice:

"Di, Di, my poor child, don't look like that. He will come back—he will—"

And here they were interrupted by the rush of a party of thirty or forty horsemen, sweeping full speed into the door yard, shouting:

"Kill the murderer! Kill him! Lynch him!"

## CHAPTER IX.

### THE TWO SISTERS.

THE leader of the party was Berkeley, who, as soon as he saw the figure of the lady and the judge, threw himself from his horse, and strode up to Judge Collingsworth, with the stern question:

"Where is that Field? He has murdered one of my men, and we are going to have him, if he is in this house."

He spoke in the tone of a brute, undisguised now, and evidently saw that he had the whip hand of everybody at the ranch, from the numbers of his men.

The old judge drew himself up, to answer:

"Sir, Mr. Field is a gentleman, and my son-in-law, and is incapable of a murder. He is not in this house now. If you doubt me, you can search it. But, if you are a gentleman, you will have some respect for the feelings of his wife."

Berkeley turned his head, and cast a look at Diana which made her shudder, so full was it of malignant satisfaction and revenge, as he said.

"Hem! His wife? Well, I'm sorry; for we shall have to swing him, as soon as we catch him. I have heard enough of your Texas lynchings and I'm going to try what I can do, to have one of my own, in exchange for your pretty little fence-cuttings by night. The tables are turned now."

Then he turned to the house and called out to his men:

"Go through the whole place, from attic to cellar! Don't let them fool you, boys. If he is there, I will be responsible for the warrant. If you find him, shoot at once, if he makes a show of fight. Give the scoundrel what he deserves. Quick, into the house! What are you waiting for?"

But even the desperadoes, whom he had hired for their want of scruples, hesitated, and one of them called out:

"Thar's ladies in the haouse, Cap. S'pose we meet 'em, what air we to do?"

"Do!" shouted Berkeley, with an oath. "Don't have anything to do with them, if they don't interfere with you; but, if they do, put them out of the way. I don't want men who are frightened by the screaming of a parcel of women."

Then the men dismounted from their horses, and were just rushing into the house, when the judge said to Berkeley:

"Hold, sir, before you consummate this outrage. I tell you that Mr. Field is not in there, and that he has gone away. If you want him, seek him on the prairie. Did not your men see him ride away?"

"In which direction?" asked Berkeley, quickly.

The judge shook his head.

"Nay, sir, that is a question too much for you to ask, or me to answer."

Berkeley turned to his men.

"Go into the house. Turn things upside down, if there is any trouble. I give you license!"

The reckless villains who had, many of them, served terms in the penitentiaries of the State for various crimes, rushed into the house like a swarm of thieves, and were about to enter when the figure of a lady appeared at the front door, and she faced the men as boldly as if she had been a man herself, with a pistol in each hand, as she cried:

"You cannot enter here! Do you understand me? If you wish to murder a woman, try it, if you dare!"

Her attitude was so resolute, and the air with which she raised the two pistols so full of courage, that the desperadoes actually hesitated before the woman, when they would have shot down a man at once.

Berkeley saw her at the door, and recognized the oldest daughter of the judge, Helen Collingsworth, who had always had the reputation of being the quiet, domestic one of the family. Now, she seemed to have changed places with her sister, Di, who had once been a good deal of an Amazon.

Helen's eyes blazed with anger, and she look-

ed as handsome as a woman could look who had a revolver in each hand.

Berkeley saw her, and his heart leaped within him, for he had a great admiration for female beauty, and a great idea of his own ability in the line of fascination.

He stepped to the front, and waved his men aside, saying to Helen respectfully:

"I beg your pardon, young lady, but we are on duty here. We have a warrant for the arrest of a murderer, and have reason to think he is in this house. If you will give your word of honor that Mr. Field is not here, I will go away and my men shall leave the place."

"You have heard my father give his word to that effect already," said Helen, in the same excited tone. "If you are a gentleman, you will go from here. As for Tom Field being a murderer, none knows better than you that he is no such thing."

Berkeley smiled in a pitying way. He thought he had the best of these people, now that he had succeeded in getting her to parley, and he resolved to hold the position as long as he could. So he said:

"I am sorry to differ with you, but you do not know what has happened. I was an eye-witness of the way in which Field shot down one of my men, and wounded another, without any provocation whatever. As I said, if you will give me your word he is not here, I will take it; but I cannot take the judge's word, for he is an interested party."

Helen's eyes blazed as she looked down at the Englishman.

"If it will give you any satisfaction to have my word added to my father's," she said, "I give it. Mr. Field is beyond your pursuit, and has ridden away. If your men had had any eyes they would have seen him. I saw—"

Here she checked herself, and went on again:

"Never mind what I saw. I am no constable to help you in your quest. Go and find him if you can. I will answer for it that Tom Field is able to take care of himself against you and all your band of cut-throats. Hunt for his horse-track if you want to find him."

Berkeley bowed, and his voice was as polite as ever, as he said:

"I take your word; and, as for the gentleman who has done what I said, I promise you that if we catch him he shall have a fair trial, for the sake of your bright eyes, Miss Collingsworth."

She deigned him no answer, but turned and went back into the house, and the English overseer led his men away from the house at once, following the track of Tom Field's horse, which was plain from the drops of blood that it had scattered in the grass as it went.

Berkeley had not really believed that the fugitive had taken refuge in the house, but had pretended it to get an excuse to search the place and vent his spite on the inmates of the villa, while he had the superiority of force, and they could not help themselves.

The resolute attitude of the judge and his daughter had set the man to thinking whether he might not rouse public opinion against him more than was safe, if he persisted in his attempt, and he had been glad of the excuse for a graceful withdrawal from an untenable position.

As the cattle company's party rode away from the house, Helen Collingsworth came out again and ran to her sister, who was nearly fainting. The high-spirited girl gathered the young bride in her arms, and whispered in her ear:

"He is safe, Di. I saw him, through the glass, from the upper window. He has changed his horse, and has one of the men with him."

Diana heard what her sister said, and her face brightened perceptibly.

"Oh, Helen!" was all she said in response, but she clung close to her sister and went to the house, where she had to be helped to a sofa, and lay down in the darkened room, while Helen whispered to her father:

"Leave her to me, sir. She will be better alone with me."

The old judge nodded thoughtfully and left the room; and as soon as he had gone, Helen went on, as if she knew what her sister needed more than anything:

"I tell you he is safe. I was watching from the top window, and I saw. What a mercy we have such a good glass! Tom has got off. But not a word to any one of all this; not even to father. I have my reasons, Di."

Di lay on the sofa, pale and trembling, for her nerves seemed to have been completely shaken.

"Oh, Helen!" she murmured; "what has come over me, I wonder? I used to be the wild one, and I remember when I thought him a coward because he would not fight; and now it seems as if I wished him a coward, if only he would not get into these terrible difficulties. What did you see? Are you sure he got off? Who was with him?"

"One of Punch Burleson's men—the one they call Sandy Bill. I saw the man join him on the prairie, and they rode away together to the northwest. I can guess where he has gone."

"Where?" asked Di.



"I think he has gone to the old ranch he told us of, where he used to live with that poor old man who was killed. Mitchell, the name was, I think."

"And are you sure they did not see him?" the bride asked anxiously:

Helen laughed.

"Do you think I should have waited as long as I did, before I came out to face them down, if I had not known that he was getting further and further away every moment?" she asked, in return. "Why, Di, that Englishman is a fool. He thought he could make eyes at me, when my sister's husband was in danger from him. But I'll make him sup sorrow for that, I can tell you. I have not done with him yet."

Her words roused the young wife from the half-stupor which had seized her, and she raised her eyes to her sister, and saw that Helen's eyes were blazing with anger, and that she was twisting her handkerchief to and fro in her hands, as if she was twisting something else in her imagination, to wit, her enemy's neck.

"Why, what has come over you, Helen?" she said in a wondering way. "You used to be so quiet, and now you are worse than I ever thought of being. When you stood at the door, you looked as if you would have shot at some one, if they had not got out of the way."

"And so I would," replied Helen viciously. "Do you think that you are the only girl in this house that knows how to fire a pistol? Not a bit of it. You're married now, and it has changed you. You have got to be timid and cowardly, for the man you love. Very well; it is time the family honor was kept up by some one else. I have learned to shoot, too; and you will see, some day, that I have not studied in vain."

Di clasped her sister to her bosom, as she whispered:

"Oh, Helen, what a pity he didn't love you. You are ever so much better than I am. You are a perfect heroine, and I, who thought I was the same, am turning out a regular coward."

There was a strange change that came over the face of Helen Collingsworth, as she listened to her sister's words.

She turned away her head so that Di could not see her face, and said in a hard tone:

"There, there, what is the use of talking like that? He knew what he was about. In the mean time, Di, we have got to save him from the schemes of this Berkeley. He thinks to have him indicted for murder, and we have got to save him. Remember that it is one thing to go to the open prairie, and another to be an outlaw."

## CHAPTER X.

### THE COWBOY OUTLAW.

HELEN COLLINGSWORTH was right. The first thing that Berkeley did, after leaving the ranch of Judge Collingsworth was to ride to Satanstown and see Mr. Belshazzar Levy, to whom he told the whole affair; and the recital made the lawyer rub his hands gleefully, for he foresaw the advantage it would give his clients and himself.

The idea of abandoning the suit was given up forthwith; for Belshazzar did not like to lose anything in the way of costs, which were growing all the time; and, if Top Notch Tom could be indicted for murder, the race would be Levy's, without any competitors, as he thought.

The whole gang of cowboys went over with Berkeley to the office of Judge Concha, and swore to a number of affidavits, by which Top Notch Tom was charged with firing at Berkeley, without any provocation; with the willful murder, also without provocation, of James H. Bruce, the cattle company's cowboy who had been killed in the fight; further with "assault with intent to kill" and the final accusation of mayhem; all brought against the absent Tom; and the record was complete.

From the office of the justice the papers were taken to that of the district attorney, a gentleman of the name of Cross, who was a friend of Levy's and had no rivalry against that gentleman, for the reason that Mr. Cross was satisfied with the charms of Satanstown and her bars—of both kinds—and did not care to go to Austin to sit in the legislature where the pay was not as great as the expenses, and where there was no chance of a steal, since the close of the days of the great "Reconstruction."

Mr. Cross and Mr. Levy understood each other very well and played into each other's hands, so that, when Belshazzar told Cross that he "wanted those things put through at the next Grand Jury," the minister of justice said, with a wink:

"It's right lucky it meets so soon, Bel: ain't it? Air your men all prepared to go and be examined?"

"Every one of them, and all straight as a string," was the response.

Then the pair of schemers left the office, and, as they went down the street, Belshazzar rubbed his hands and said to Berkeley:

"This indictment will be worth more than a hundred votes to our side if it isn't spoiled, Cap."

"How can it be spoiled?" asked Berkeley. Levy winked.

"If the man comes back, you know. Those witnesses of ours wouldn't stand cross-examination, on their antecedents, to any severe extent. But it's my impression that the man won't come. It's right lucky that the cowboy with him was stretched. He might have been an awkward witness on the other side."

Berkeley laughed.

"I took care of that, you know. He wasn't quite dead, and the boys fired several shots into him as he lay there, Indian style, you know. I had heard of that practice, and, by Jove, it's a very sensible one, if there's any doubt. It makes everything sure, you know."

Levy rubbed his hands again.

"Very true. Well, there is no defense, then. If he is fool enough to come back, your men must swear the thing through. That puts Mr. Top Notch Tom out of the race, and by the by, Cap, it might be as well, all things considered, if we were to go to the court and get that injunction set aside, about the fence. The head of their party was this Top Notch Tom. He had all the brains in the crowd, and now he's gone, they will be very much discouraged, you can be sure. I'll try it at once, if you like. The old fellow they call Judge Collingsworth never read a line of law in all his life; and he is no good except at Austin, where he has a good reputation. But we can get the injunction set aside, I think, and then you can rebuild that fence and defy the ranchers to start another night raid on it."

"A very good idea, if you can carry it out," said Berkeley, who began to look more cheerful than he had for some time previous. "I leave you to attend to it. By the by, about that money you asked for, in case we stopped the suit—"

"Never mind that," was the hasty reply. "This day's work puts a different aspect on things. It will save the company all the money they have in the place, and get us the election besides. I'll see to it all, Cap."

And the pair parted, while Berkeley rode back to the log-palace of the company and devoted the rest of the week to a correspondence with the agent at Galveston, who was delighted with the turn affairs had taken, and promised to make all the representations to the "people at home."

The week passed by quietly, and at the end of it, the grand jury of Satan county met at the court-house in the town.

It was composed entirely of townsmen, this time, for reasons which the district attorney and sheriff knew best; and the first case brought before it was that of "Thomas Field, commonly called 'Top Notch Tom,' who was accused of the crimes of 'assault,' 'criminal assault,' 'assault with intent to kill,' 'mayhem,' and finally of 'willful and premeditated murder.'"

And on every accusation, the proofs brought were so convincing to the honest grand jurymen, of the town and county of Satan, that they sent in the papers to the judge of the State court, in session at the time, and, on every one was the legend:

"True bill found."

"JAMES H. JOHNSON,

"Clerk."

"JARED STEPHENS,

"Foreman."

The batch of indictments was followed by the offer of a reward of five thousand dollars "for the body of Thomas Field, commonly called 'Top Notch Tom,' dead or alive, he having fled the county to evade justice."

Tom Field had become an outlaw; and a price was set on his head.

Then followed the effect that Levy had predicted, when he went to the district attorney's office.

Tom Field had been the life and soul of the ranchers' party; and his sudden flight and indictment for murder had disheartened them, to an extent that seemed absurd. When Mr. Belshazzar Levy served his notice that the judge would be petitioned to open the injunction against the erection of any more fence, pending the action against the company, the demoralized ranchers let the case go by default, and the injunction was opened, for want of a lawyer to oppose it.

The very next day, the cattle company's men set to work, in broad daylight, to re-erect the fence of contention, and the dismayed ranchers had to sit on their horses and watch it, as it went up, with the knowledge that, if they tried to interfere, they would be met by new certificates of special constables, that had been issued to the scoundrels that composed the force at the disposal of the cattle company.

By the end of the second week, after the flight of Top Notch Tom, the fence had been run around the whole of the outside of the cattle company's claim, and the lanes that had existed between the different ranches began to make re-appearance.

The line of ranches had been taken up, when the county was first settled, and the ranchers had erected their houses at about half a mile

from the river, at which their stock was watered.

The only concession that the cattle company had granted them, after the first erection of the fence, was that it left a lane, about a hundred feet wide, from each claim to the river, down which the cattle might go to the water.

But the beasts were confined, all day, to the limits of the claims of the ranchers, and these claims were all of the same character, in the old-fashioned style of Texas; namely, a square league of soil, with the right of way to the water.

One would have thought that a square league would have been ample for the pasturage of the herds of the ranchers, but when it is considered that these herds generally consisted of about ten thousand head of cattle, and that the Judge and Punch Burleson had near twenty thousand, each, the amount of space that the animals required may be guessed.\*

Till the coming of the cattle company, they had been accustomed to graze at large on the prairie, outside the limits of the claims, where land was practically unlimited, and where there was room for all.

But the cattle company had changed all that.

Their claim, paid for in cash, at the rate of about fifty cents an acre, took in a strip of land, ten miles wide, on the north bank of the Blue Fork river, for a distance of thirty miles; thus giving them three hundred square miles of grass, with the additional fact in their favor, that there were no claims outside of them, and that they could turn their beasts out, at any time, into the open prairie, ten miles from the river, without trespassing on any man's land; while the ranchers, to get to the same place, had to pass through the land of the company, and the company refused them that privilege though they had to allow the lanes, for watering purposes.

This state of affairs, at the first erection of the fences, had called forth the night-riding outbreaks, with which the readers of "Old Cross-Eye" are already familiar; but that success was not destined to be repeated easily, as the fence-cutters found out, very soon.

As soon as the fence was fairly up, the ranchers held a night meeting, to devise a new fence-cutting trip; but, as soon as the subject was broached, it was settled by Punch Burleson, who told the men assembled, that "times had changed."

The cattle company's men, it appeared, had set all sorts of traps, round the range, which no one could see, because they were not set till the coming of night; and any person, who went near a fence, was liable to be blown up by a charge of dynamite, which would not only kill or maim him, but serve as a signal to the special constables, who would come swooping down and give a warm fight in any event, with the further disadvantage to the ranchers, that they would be fighting against the law, and be liable to be indicted for the crime.

And, as the last grand jury had shown, if the sheriff was against the ranchers' party, all he had to do was to make the panel from among the townsmen, and the case would be decided against a rancher every time.

Therefore, the ranchers had to take their gloomy way home, after a long consultation, and the general conclusion that nothing could be done for the present, and that they would have to bend all their efforts to the election of a man in the legislature, who would take care of the rancher interest.

Who he was to be, was the problem, for Top Notch Tom was now out of the question, he having been outlawed, and no one knowing where he could have gone to.

In this extremity, the ranchers bethought them of the next best man, in the person of the old judge, who had not been drawn into the fight at Satanstown, and had the good-will of both sides, as far as could be found out. The judge would still make a good candidate, as against Belshazzar Levy, who had to contend against the prejudices inspired by his race, in a country where there were a good many men of Irish ancestry, and where the Mexican Catholics held the balance of power.

It wanted two weeks yet to the election, and a good deal can be done in two weeks, if money is at hand to do it with.

The ranchers were by no means poor men, for they could, at any time, get a cool fifty thousand dollars apiece, from the Satanstown Bank, on their next year's stock, if they were inclined, but they had no wish to embarrass themselves, till the money was absolutely needed.

So the fight began, before the people, on its merits.

## CHAPTER XI.

### THE OUTLAW'S VISIT.

NIGHT brooded over the prairies of Texas, and the coyotes were raising their mournful wail over the want of something to eat, when one of the cattle company's men, on

\*The square league of old-fashioned Texas, contains nine square miles or 5760 acres, and animals at pasturage, all the year round, require more than two acres per head for their proper sustenance.



guard at the fence line next to the Collingsworth Ranch, heard them stop howling at a point on the prairie whence he had not expected a visitor.

He knew that the company had no men out there; for there was no fence in that direction, save a few strips here and there to mark the claim.

Thinking one of his own men had gone astray in the night, he rode toward the place where the silence had come about, and his eyes strained to catch the outline of a horse, but in vain.

The prairie in that direction was sprinkled with mottes of chaparral timber, and nothing could be seen outside.

The sentry peered through the gloom at the nearest motte, and at last muttered to himself: "Reckon 'twas only a painter, or suthin' of the sort."

The sound of a long-drawn wail, like the cry of a child in the night, convinced him that he had interpreted the silence correctly, for he recognized the scream of the panther or cougar, a few of which still roamed in the county, though their numbers were diminishing every month, under the bounty for their ears.

The guard was a desperado from the city of Galveston, who was more used to playing poker and shooting his man at sight in a bar-room, than the wiles of prairie craft; so he thought no more of the matter, and turned his horse to ride back to his post.

As he turned, two men looked forth from the screen of the coppice-wood, and one of them said to the other, in the tongue of the Kiowa tribe of Indians:

"What does Wild Cat think of it? Would it be best to kill the man or not?"

The face of the man who spoke was white, but he spoke the language with the ease of one who understood it thoroughly, and his companion, who was a full-blooded Indian, replied at once:

"If my white brother wishes, it can be done. The man is a fool, or he would have searched the woods for us. We can pass by these men as safely as if they were all blind."

There was a tone of strong contempt in the Indian's voice, and Top Notch Tom answered him at once:

"All I want to do is to see my wife, and assure her of my safety. If we can pass without any bloodshed, I shall be glad of it."

Wild Cat's answer was eminently Indian. He was fond of his white brother, the only white man he had ever seen, who wanted to learn the language and peculiarities of his race, for other than selfish purposes. He had a great respect for him, though he was puzzled what the young man could possibly want of all the knowledge he had acquired, like Cushing among the Zunis, of whom all the Indians had heard. Wild Cat had been accustomed to but two classes of men, among the whites, with whom he had come in contact, before he knew Tom Field. One class hated the Indians, and missed no chance to kill one, if it could be done with safety, on the plea that they were all "Red Devils," the other married into the tribes for selfish purposes, and stole all that could be taken.

Tom Field had lived among the Indians for nearly a year; had refused to marry any of the red damsels, thrown at his head with profusion; had never asked for a single article; had scrupulously returned the full value of every present he had received from an Indian; and the only thing he had been anxious to acquire was, knowledge of the language and habits, the rites and superstitions, of the tribes located in the Indian Territory, into all of which he had entered with respect and enthusiasm.

Wild Cat could not understand the desire for knowledge in itself, but he laid his inability to comprehend it to the difference of race; and, when he heard Tom refuse the easy slaughter of a foe, he only said:

"My brother's heart is like what the medicine-men say was the heart of the Great Spirit, when he came to the earth. But the scalp of an enemy is not to be despised. One less among the foes, is a thing to be desired. If the Looking Glass Fighter wishes, he can go out with me, now."

Tom at once answered:

"Come on, then, if you say it is safe. I am but a child, when you are on the war-path."

Wild Cat smiled to himself with gratified vanity; for the odor was sweet to his nostrils, when flattery was offered him. But then he sighed slightly, as he said:

"Wild Cat went on the war-path once; but the buffalo are all gone, and there is no room for the red-man on the plains that once knew him. The agents are always ready to tell the soldiers; and they run after us, and give us no rest. We are not on the war-path now, my brother; but, if we were, I would act as I act now. Follow me, and do as I do."

Their horses were standing in the motte, and the Indian tied his own pony to a tree, and stole out on foot.

Tom Field followed his example, and the two men stole forward, in the shadow of the trees and coppice wood, till Wild Cat suddenly paused, and sunk down into the long grass, with a low hiss like that of a snake, when Tom sunk with him.

The Indian laid his hand on the arm of the other, and pointed forward, to where the head of a man on horseback could be seen, outlined against the stars.

There was a strong expression of contempt on the face of the red warrior, as he pointed at the unconscious sentry of the cattle company, and whispered to Tom:

"If we were on the war-path what a fine scalp he would make for the belt of the brave who wanted it."

The sentry was not fifty feet away from them, and the fingers of the Indian closed involuntarily over the haft of his knife, as he watched the figure of the man and horse.

But he managed to resist the temptation; and, pulling the sleeve of his friend, crawled off through the grass, toward the house of the old judge, which was the object of the expedition, and, in a very short time, they were outside of any danger of discovery from the guard.

The Indian kept a little in advance of the white man, and occasionally stopped to give him some of the sage maxims that were suggested by the incidents of the trip; for Wild Cat was very fond of giving advice, and the docility of his pupil made him particularly profuse of his counsels.

He stole on through the grass like a snake, till he had reached the shelter of another motte, through which they went more rapidly, and at the other side of which he uttered another hiss, and sunk down again.

"What is it?" asked Tom, seeing the Indian did not stir for some moments.

Wild Cat seemed puzzled what to say for a little while; but at last he observed:

"Wild Cat has been on many a war-path; but he never saw a bottle left on the ground full of whisky before."

So saying, he turned round and showed Tom a bottle, which seemed to be full of something, and which he had just picked up at the foot of a post, where the line of the barbed-wire fence of the company, which they had crossed when they first struck the range, again raised its ugly head at the edge of the motte.

The bottle had something in it, but was it whisky?

Wild Cat wanted to try at once, but he handed the thing to Tom first; and the young man, after a short examination, said to his companion in a grave tone:

"Wild Cat, this is no whisky-bottle. It is lucky you did not try to open it. It is a trap."

The Indian instantly shrunk away from him, with the air of one who fears that the trap will catch him, and asked:

"What kind of a trap? Is it poison?"

"I think not," answered Tom slowly. "From the feeling and weight, I should judge that it had something solid in it. The fact of its being laid there shows it must be a trap; but what, I do not know. I will put it in my pocket, and we will go on."

The Indian, before he went any further, examined all around him with great care to find something else, but without success.

They crept through the fence, and found themselves in the domains of the old judge—a fact which Tom announced to Wild Cat, who thereupon arose to his feet, with the observation:

"Then the war-path is ended, for we are in the land of our friends. It is my brother's turn to lead now."

Tom, very glad that he had advanced so far without meeting anybody, rose and walked across the prairie toward the judge's house, which he could see as soon as they cleared the motte.

The house had, at the top, a small Belvidere, from which the judge, who was something of an amateur astronomer, was wont to survey the stars at night, and a light was burning there, which made the young man's heart leap within him; for there is something in the sight of a light in a window, when one is coming home, that is very comforting to the wanderer.

"Come on, Wild Cat!" he said. "We are expected, and they have lighted up the signal for me."

Then they went rapidly across the open fields, the Indian glancing from side to side with the caution of his race, the white man holding up his head and almost running in his eagerness.

They reached the door-yard in a very short time, and out came, open-mouthed, a number of hounds, for the judge was still somewhat of a sportsman, and very proud of the breed of his dogs, which made a pack famous through the country.

Wild Cat stalked forward when he heard the dogs, as if they were not there, for he disdained to show any fear when in the presence of his friend, and trusted to him.

Tom, fearful that Wild Cat would be bitten before the dogs could recognize his voice, ran in front and waved his arms, calling:

"Here, Trip, Towler, Sweetheart! Here, boys! what are ye about? Don't ye know me?"

The angry bay of the hounds was changed to yelps of delight, for the young rancher was a great favorite in the pack, and the dogs crowded round him and welcomed him, while they snuf-

fed round Wild Cat, with low growls, till Tom scolded them, when they subsided into silence.

Then the two men proceeded toward the house, but were met, before they could get there, by a white figure, which came flitting through the darkness, and the voice of Diana whispered, as she threw herself on the breast of her husband:

"Tom! Tom! I knew it was you as soon as the dogs stopped. I knew you would come; I knew it! I have been watching for you every night for the last week. And are you well? Were you hurt badly when I saw you? Oh, you don't know how I have worried about that wound. Where was it, darling? You are sure it was not dangerous?"

As soon as Tom could speak, he said, softly:

"My darling, and did you know I would come? No, dearest, I was not hurt much. It was only a flesh-wound in the shoulder, but I lost a good deal of blood from riding so hard, and if it had not been for my friend, Wild Cat, here, I might have had a bad time. But these Indians are the best doctors in the world if you will only do what they tell you and trust in them. I am all right now, and Sandy Bill is a sound man, and won't touch another drop of liquor—till he gets a good chance, I guess. And how are they all? And especially how is Helen and your father? What have they done about my case? That is the principal reason I have returned, to tell you the truth, after seeing you."

Diana clung to him, as if she could not see enough of him, but his question startled her; for it showed that he was in ignorance of what had happened, and she asked him trembling:

"What? don't you know, Tom? Is it possible? Why, the whole county is full of it, and everybody says it is a shame."

"I have no doubt of that; but what is it which is a shame?" asked Tom, as he kept her closely pressed in his arms. "It seems to me to-night, Di, as if I didn't care what happened, as long as you are here, darling."

She could not help a quiver of pleasure at the sweet words; but it died away in her alarm, as she told him:

"Tom, dear, bear up. They have indicted you in Satanstown, for—what do you think?"

"For shooting that scoundrel Bruce, I suppose. Well, I thought they would. What is the indictment for? Murder, of course."

"Yes, Tom, and everybody says it is a shame, and that it is all a pack of lies; but what are we to do about it? Poor Jim Boggs, who was there, and saw the beginning of it, was killed, you know."

"Are you sure?" asked the outlaw, with a change in his tone. "Why, I thought he was only wounded. I saw him fall from his horse, and I can swear that he was only shot through the leg, and his horse killed by the same bullet."

Diana shuddered.

"Tom, I saw the poor fellow myself, for I would not let any one else do that. He was shot all to pieces, with nearly a dozen bullets in his body. You can hope for nothing from his testimony."

Tom Field was silent for a moment, and then he said in an altered tone:

"And I was so happy coming home, Di! What a change there has come over me since you told me. They must have killed him on purpose to swear me down. But they don't know Top Notch Tom, yet. I was a lamb, before they began to chase me, but, if they hunt me too far, they may find that Top Notch Tom will deserve his name. Come into the house, I want to see the judge, and tell him what he can do for me before I go."

"Go!" echoed Diana. "But surely you will not go to-night?"

"What else is left to me?" demanded the outlaw, in a bitter tone. "I have no home now."

## CHAPTER XII.

### HUNTED DOWN.

AN hour later, when the clock on the mantle pointed to the hour of twelve, and the parlor of the Collingsworth Ranch was shut up outside, so that no one could see the lights from the prairie: while it was all ablaze, inside, with the lamps that had been lighted in honor of Tom's return; the judge, Helen, Diana, Tom, and Wild Cat, sat round a table, while the judge was writing, what Tom told him of the fight which had cost him his outlawry.

The outlaw looked in excellent health, though rather thin; but the bronze on his cheek was of the hardy hue that tells of a vigorous constitution, his eye bright and clear as ever. His young wife kept gazing at him, as if she could never see enough of him, and Helen Collingsworth was listening intently to what he was saying about the fight; when Wild Cat, who had been sitting apart from the rest, lacking interest in things he did not understand, suddenly startled the company by uttering a sonorous Indian grunt, and saying, in his own language, to Tom:

"Horses coming—fast."

The others did not understand him; but Tom told them, and they were all very much excited; for they were in that state of nervous tremor, when the least thing terrified them.

The old judge hurried to put away the papers



he had been writing, and Helen Collingsworth said to Tom hastily:

"Stay here, and be ready to go out by the back door, while I go and see who it is. It may be only some of our friends, after all."

As yet, they could not hear, from the house, the noise of hoofs, tangible to the quicker ears of the Indian; but, as soon as Helen got outside, she found that Wild Cat had been right; for the tread of horses, at full speed, had been heard, far away, passing toward the northern end of the Collingsworth range, outside of the fence line.

She stood there for a minute or more, and was about to go back to the house, and tell them that it was only a party of the company's men, with a possible scare about the fence-cutters, when she heard the stealthy step of the Indian beside her, and Wild Cat was standing there, peering out into the darkness, and listening, with his hand at his ear.

Helen shrunk away from the Indian; for she had not got over her prejudices against his race, imbibed from the stories of the ranchers; but Wild Cat never noticed her.

He glided out into the open ground in front of the house, where he could hear all that took place outside without being disturbed by the echoes, and stood there for several seconds like a statue of attention.

Then he came back to her, and in his broken English, which he would not have deigned to speak if he had not known he was among friends, he said to Helen:

"Heap horse gone—catch oder horse. Mebbe fight a heap, soon, bimeby."

The girl did not at first understand him; but the sound of shots in the direction which the horses had taken convinced her that Wild Cat was right, and had interpreted the signs of the night correctly.

There was a brisk action going on somewhere; and the Indian, who was a total stranger to the county, had told her what she, who was familiar to the place, had not suspected.

But the sound of the shots outside very soon brought out Top Notch Tom, in spite of the pleadings of his wife, who was afraid he would get into more trouble.

The young outlaw held a short but animated conversation with Wild Cat in the native tongue of his friend; and then said to the judge, who had come out with the rest into the starlight:

"Wild Cat says there is a fight going on. I think the boys are making another attempt at those fences. There is only one bad feature of the thing, that they are fighting at the very place where we left our horses. We shall have to go there and save them, for fear they may be found by accident."

Diana here threw her arms around the neck of her young husband and exclaimed:

"No, you shall not go there. If you lose your horse you can have another—any you want—from the ranch. Hark to the firing over there! Do you want to get killed? I say you shall not go, Tom."

Here Helen Collingsworth, who had been standing by, took her sister's arm and said to her with a quiet, resolute air, that was very unusual to the gentle one of the family:

"Di, you must leave Tom alone. He has his duty to perform, and it must be done. If he says he must go, he will go."

Tom thanked her with a grateful look, and Diana submitted with a docility that showed the change marriage had made in her, when Tom hastily parted from her, with a caution to keep the secret of his coming, and stole off with Wild Cat in the direction of the firing.

As soon as they had gone, Diana burst into tears and sobbed to Helen:

"What do you care, any way? You are not his wife. You don't love him as I do; and you let him go away into danger, like that. You are a cold, cruel, heartless thing."

Helen made her no answer; but put her arm round her and led her into the house, where she whispered something in her ear, which had the effect of quieting her, so that she went with Helen to her own room, and was seen no more that night.

In the mean time, Top Notch Tom and the Indian left the vicinity of the house, and pursued their way in silence to the skirts of the motte, at the edge of the ranch, where they had picked up the bottle.

It was still in Tom Field's pocket, and he had showed it to the judge, who had told him of the rumor, spread around the country, that the cattle company had laid traps, consisting of bottles of dynamite, at the foot of the fences, on purpose to catch the ranchers, if they went out on any expeditions.

Tom explained the matter to the Indian, who as soon as he had heard what dynamite was, insisted to Tom that one of the traps must have burst, to occasion the fight that had started among the cattle men and which they were listening to.

He had heard, he said, a loud noise, which was not a rifle or pistol, before the fire had begun; and Tom, knowing the sharp senses of Wild Cat, was inclined to believe him.

A very brisk engagement was going on, all

the while they were advancing; and it came from the very spot they had left their horses, though the Indian insisted, with equal firmness that the horses had not yet been found.

To settle the point it was necessary to go on; and, the nearer they got to the scene of the fight, the warmer it became.

To listen to the firing, one would have thought a whole regiment engaged.

The Indian kept in the advance, now that danger was approaching, and Tom kept behind him.

They got through the motte, at the edge of the Collingsworth Ranch, and saw the flashes of the firearms distinctly, on the open prairie, by the next motte, while a number of horsemen were charging to and fro, shooting at each other.

Tom saw that part of the men wore the red hats of the cattle company; for some of them came very close to him, in the starlight.

The other party seemed to be very nearly as numerous as the company's men, and they were fighting hard.

Wild Cat touched his arm, and said:

"What will my white brother do, now? There is no way to get to the horses, except through the fight."

"Then, the sooner we get in, and do what we can, to help our friends, the better," was Tom's reply, which delighted the Indian so much that he answered at once:

"My brother is right. The Great Spirit has not taken away all the blood from his veins."

Tom could hardly help smiling at the frank way in which Wild Cat acknowledged that he had thought his companion deficient in the courage of a warrior; but his only answer was to bring his Winchester rifle to the front, and say to Wild Cat:

"Come on, then, and let us see which has the best blood of the two. Take the nearest man, and I will do what I think best."

They were at the edge of the motte, and the current of the fight had swayed close to them, as Top Notch Tom opened fire at the men near him, with a rapidity and precision that made a speedy change in the position of affairs.

He and Wild Cat had Winchesters, and they fired alternately, with a quickness that would have made a stranger think a dozen men in the edge of the motte.

The attack took the cattle company's men entirely by surprise; and produced an immediate stampede; under cover of which the ranchers came swooping down after them, and the *melee* became a panic.

The two friends dashed out of the motte, as the ranchers came down on them; and Top Notch Tom was recognized, as soon as he was near enough for his voice to be heard; when a great shout went up from the ranchers, and they held up from the pursuit, to crowd round Tom and ask all the questions they could think of; thus giving the routed men of the cattle company a chance to rally again.

Tom was so much occupied, for an instant, in returning the hurried greeting of his friends, that he forgot all about the fight, and was only restored to the memory of the danger he was still under, when a rattling volley was heard, and a shower of bullets whistled round the ears of the rancher party, convincing them that the fight was by no means over, for that night.

Then Wild Cat caught him by the arm, and said hurriedly:

"No time to lose. A warrior on the plains, without a horse, can only fight. The horse is the one that says: 'Fight or run, as you please.'"

The aphorism of the Indian warrior produced its usual effect on Tom. He knew that Wild Cat was one of the oldest and most successful of the warriors of his tribe, which had once been famous, all over the Southwest, for the quality of its stratagems, though the numbers of its braves had diminished so quickly, that its war force was reduced to a nullity, and its warriors compelled to stay under the protection of the Government, on a reservation.

Tom believed in Wild Cat, and with reason; so he obeyed the word of the Indian, and went with him at once to the shelter of the motte, where they found their horses at the foot of the trees where they had been tied; and, hastily mounting them, sallied out to find the ranchers in their turn routed and fleeing for their lives; while the cattle company's men, reinforced by another party that had just come up, seemed determined to prove the uncertainty which attends on all fights, in which horses are concerned, by allowing the tables to be turned so quickly.

When Tom and the Indian came out of the motte, where they had been after the horses, the ranchers had gone, and the tall figure of the English overseer could be seen, on horseback, directing the movements of his men, with a coolness that showed where the cattle company had found a leader.

And into the midst of the cattle company's men, the two that had been in the motte burst by a surprise, and the moment they were seen arose a cry:

"Sock it to 'em, boys!"

And then came a rush of horsemen, and Top

Notch Tom heard the bullets whistling round him, and the savage cry:

"Hunt him down, boys! It's Top Notch Tom!"

Then he remembered that he was an outlaw indeed.

## CHAPTER XIII.

### A LONG CHASE.

BUT the young rancher was not demoralized by the sudden change of affairs, which so quickly took the place of the victory that seemed to be within his grasp, and he was especially sustained by the fact that his ally in the fight was an Indian chief, versed in all the stratagems of Indian warfare, which partake so largely of flight and pursuit first by one side, and then by the other.

Wild Cat, as soon as he saw the enemy bearing down on him in overwhelming force, turned his horse and fled for his life, without a thought of any shame in the operation.

Tom went with him, and thought, as he went, of the counsels that Wild Cat had given him, in the hours of peace, as to what he was to do in case of war.

"In flight," said the Indian, "wise warriors scatter; fools keep together. The wolves go, every one for himself; but the deer keep in a flock."

The moral of the counsel was, that the safest course, in flight before an enemy, was to scatter, so as to compel him to divide his force in the pursuit, and though there were only two fugitives and at least sixty pursuers, yet the counsel was good so far that, the moment the two fugitives separated, the party behind them split into two fragments, one of which pursued Top Notch Tom, and the other the Indian.

The cowboy outlaw looked back over his shoulder as he rode, for he could not perform his back-shooting trick at night, and there was no moon to help him.

He saw that the cattle company's men were getting strung out, as they went, owing to the fact that their horses were wearied, while the ponies that had carried himself and Wild Cat to the scene were comparatively fresh, having rested all the day before, after getting into sight of the edge of the ranch country.

The best mounted of the company's men were pressing the chase with ardor, but the rest were slowly falling behind.

Looking round for Wild Cat, he saw a long string of dark figures, diverging from his own track, which he judged to be the men after his friend; and he knew that Wild Cat was fully able to take care of himself, his pony being exceptionally swift.

Then he began to think of assuming the offensive, for he had not attained his name of "Top Notch" without deserving it.

The fact that his appearance had been the signal for the ferocious cry "*Hunt him down!*" angered him considerably, and he kept glancing back over his shoulder, and thinking over the best way to turn on his pursuers.

The night was too dark to make shooting certain at any distance, and he did not care to let too many come close to him.

He kept his pony at a good round pace, which compelled his pursuers to the full speed of their own animals, for he knew that otherwise they would be able to pursue him in a body, and he desired to separate them.

The prairie rolled away behind them, and the outlaw saw, at last, that they had reached the outside line of the company's claim, for the posts of the outside fence were before them.

The chase had lasted nearly an hour, and the ponies had galloped ten miles or more.

He remembered well the place he had come in with Wild Cat, and made for it, as he thought.

Then the remembrance of the bottle he had in his pocket struck him, and he saw that his nearest pursuer was nearly two hundred yards behind.

Why should he not try on the company the trick they had hoped to play on him and the ranchers?

The idea was a good one, and he drew the bottle from his pocket.

It would be a dangerous trial; for, if he made a mistake and dropped it too roughly, it might explode and he be hoisted with his own weapon.

But if the trick succeeded, it would demoralize those who came after him.

He galloped on till he came to the line of posts that marked the fence. He slackened his pace so that he might not run on the wires in the dark, if there were any there; but, as he had foreseen, he had struck it at a place where there was a gap, left on purpose for the exit of the company's cattle to the open prairie without.

He had passed by herds lying down in the darkness, and had nearly roused several animals, but his pony, which was used to herding cattle, had avoided disturbing them, and Top Notch Tom found himself safely outside the fence line at last.

Then, as he galloped on, he stooped from his saddle and deposited the bottle on the ground, with a skill he had learned from his Indian



friend, as if it had been an egg which he was afraid of breaking.

That he had successfully performed the feat was made plain from the fact that no explosion followed, and he rode on at the same pace, keeping the bottle between him and his nearest pursuer, till he had arrived at a hundred yards beyond it, when he pulled up and turned his horse.

The movement, as he had expected, produced a corresponding halt from his rescuers, who knew of his reputation as a shot, and wanted to collect more force before they rushed in.

And as this was just what he wanted, now, he halted entirely, and got his rifle ready; his pony standing still, breathing hard after its race; so as to give the enemy the impression that he was waiting for them.

The first proof they gave of timidity was the opening of a harmless fire of pistols and rifles, the shots whistling all round him, but not one touching him. He knew his foes could not see the sights of their rifles, and that point-blank shooting, by the eye alone, was no use at that distance, so he did not reply to a shot.

He surveyed them till they had collected a force of about twenty men, from the laggards who came up, when they made a dash at him, yelling loudly to frighten him.

He waited, with a beating heart; for, if the trick failed, he would be in a bad position, with the odds against him.

The desperadoes came down in a body and neared the line of the fence. They kept in a huddled mass, showing that they were not altogether sure of their prowess, and wanted the aid of numbers and company to encourage them.

It was just what he needed, to test the powers of the bottle of dynamite.

In another moment there was a bright flash under the feet of the horses, and a loud, sharp explosion.

The horses and men seemed to be thrown right and left, as if by a hurricane, and then the rush stopped, and a cry of horror and fear told the story that the trick had succeeded.

Top Notch Tom turned his horse and rode off at a canter, secure from any more assaults from that party, that night.

Every now and then, he turned his head to look, and saw that they had not left the vicinity of the spot, where they had been blown up. Before another half-hour had passed, he was out of sight and hearing of his own pursuers, and began to feel anxious as to what had happened to White Cat, who had gone off on a diverging line.

He did not know whether the pursuers had recognized his companion as an Indian and wondered whether they would be guided by that fact to the place of his retreat, in the ranch-house where he and Old Cross-Eye had lived so peacefully, the year before.

As he thought over all this, he let his horse walk leisurely along, and soon espied a motte of timber, that he recognized as one where he and Wild Cat had made their camp, the day before, when they had to stay in hiding, for fear they might be espied by any of the roaming cowboys, after stray cattle.

Into this he rode, and tied his horse; when he was startled by the voice of Wild Cat, close beside him under the trees.

"My brother should remember," said the Indian, in his usual sententious way, "that a wood, with an enemy, should never be approached in haste."

Tom looked round, and saw that the Indian was close beside him, having evidently entered the place before him, and witnessed his coming.

To excuse himself from the rebuke he knew was implied, he answered:

"But then I knew that the only person who could be here would be you; and you are my friend."

Wild Cat laid his hand on the other's shoulder. "The Looking Glass Fighter is a good warrior, by daylight; but at night he is no better than a white man. There is an enemy in the motte, and he knows you are here."

"Why, where?" asked Tom incredulously.

Wild Cat pointed to the ground, and imitated with his hand the sinuous motion of a snake.

"The wood is full of them, and they all know you have come," was all the explanation he gave, and then he added:

"Sleep is well for the man who is at home; but the warrior on the war-path must learn to do without it. The enemy will follow our trail, and though they have no trackers among them, we must go so that the best would be deceived. I have waited for my brother, and he is come. Now we will go home; for there is no safety in the country of the white man, for him who is the friend of the red-man."

Top Notch Tom bowed his head.

"I will follow you, wherever you say is best," he answered.

#### CHAPTER XIV.

##### THE MARSHAL OF SATANSTOWN.

THE good city of Satanstown was quiet for a whole day; for the inhabitants were sleeping off

the effects of the excitement of the previous night.

The cattle company's candidate had been "setting them up" in good style for the boys, and Baldy Mac had reaped a harvest, while the proprietor of the White Elephant had cash to jingle, as well as his rival.

Mr. Even MacDougal, more generally known as "Red Mac" from the hue of his hair, was the barkeeper of the Lone Star House, and the only person about the establishment who was fully on the alert that morning; for he had the very rare habit, in a Texas barkeeper, that he never drank anything stronger than soda-water, and had, by the dint of that habit, escaped when the rest of the boys had gone to bed, stupid drunk.

Even Red Mac felt sleepy that morning; for the excitement had lasted till within an hour of sunrise, and he had not been fairly asleep all night.

But he could tell anybody who entered the saloon; for Evan was a faithful guardian of his employer's interests; and when, at about noon, a man came in and looked round the place, as if seeking for some one, Red Mac waked up at once, and recognized the Marshal of Satanstown, in the person of Mr. Henry Kimble, better known as "Hank, the Nailer."

It was a very rare thing for Hank, the Nailer, to be seen inside of a bar-room; and when he was there, it might be known he was after some person whom he had been directed to arrest.

Therefore Evan at once asked him:

"What is it, Hank? Who d'ye want?"

Hank looked all round the place before he answered, and when he saw that there was no one in the saloon, he pulled his beard reflectively, and said to Red Mac, in his deep tones:

"I only come raound to kinder look arter the boys, ye know, Mac, if any of 'em had got inter any trouble. Got any lodgers up-stairs?"

Evan nodded, with a grin on his Scotch face.

"There's the Eenglish lord, that thought he could drink McPherson under the table in his ain hoose, Hank. He went to bed, and he hasna got up yet."

Hank pulled his beard again, in the same reflective way as he rejoined:

"Reckon he got all he wanted when he ran afaoul of old Baldy. Whar's his rume?"

The barkeeper stared at the marshal with surprise, as he asked:

"What's he done, man; what's he done?"

Hank came up near the barkeeper and looked him in the eye, in his peculiar way, with a fixed unwinking stare, that had before carried terror to many a man better than Evan MacDougal, as he said in his low, musical tones:

"I asked ye whar was his rume, friend. I said nothen about his hev'n' done nothen. Will ye show it to me to one't?"

Evan, rather flurried at the way in which Hank had received the question, stammered hastily:

"Why, certainly—certainly! This way—this way!"

And with that, he led the way up-stairs and showed the marshal a door, where he knocked.

The answer inside was that of a man suddenly awakened from sleep and angry at his disturbers, for they heard the voice of Berkeley growl:

"Who the devil's there? Haven't I paid for the room? I told you I didn't want to be disturbed!"

Evan answered:

"It's the marshal of the town wants to see ye, captain."

Then to Hank he said, in a low tone:

"The door's nae lockit."

Hank, the Nailer, heard what he said, and instantly laid his hand on the lock and threw the door wide open, when the action was followed by a shot from the inside of the room, the bullet whizzing past Hank, between him and the barkeeper, and burying itself in the wall at the other side of the passage.

Then they saw Berkeley with a scowl on his face, that showed the morning headache and the evening's excitement combined, sitting up in bed with a revolver in his hand, and he growled in his most menacing tones:

"What the devil do you mean by that? The man that enters this room does so at his peril!"

Evan shrunk back out of range of the smoking pistol in a moment, for he thought that the Englishman was going to fire again; but Hank, the Nailer, came out into fuller view, with his hands in the pockets of his loose coat, and said in his slow, deep tones:

"Look hyar, mister. Put that air gun aout of the way, ef ye please. It might go off accidental-like, and ye might be sorry fur it. I come hyar to see ye."

"And who the deuce are you?" asked Berkeley in the same menacing tone, as he eyed the other with the stare of a man who does not quite know what is going on yet.

But the quick eye of Hank had already noted the fact that he had not yet cocked the weapon, and that he really was only half awake.

So the marshal smiled as he answered:

"I'm the Marshal of Satanstown—what ye call head constable in your part of the world I

reckon—and I won't tell ye again to lay that daown. Ye don't want to run ag'in' the law, I s'pose; do ye? Ef ye do, keep that air gun p'inted this way, as I come in."

Suited the action to the word, the marshal strode into the room, with his eye on Berkeley and his hands still in the pockets of his coat; and the Englishman, who construed the act into a defiance, and had hardly yet recovered his senses from the previous night's debauch, lifted the pistol and tugged at the trigger, forgetting that he had not recocked it, since firing.

Hank kept on; crossed the room with three of his long strides; put his hand out, and grasped the pistol, which he wrenched from the bewildered Englishman, before the latter had fully recovered his senses, dazed as he was at being suddenly awakened. Hank, in the coolest manner in the world, put the weapon down on a table at the other side of the room, with a dexterous toss, when he said to the man, sitting up in bed:

"Come, stranger, don't be cantankerous. I ain't come to take ye in; but ef ye go to any more of them games, I'll hev to, fur the credit of the taown."

Berkeley had not at first been conscious what he was doing, except that he had a splitting headache, and felt in the worst of tempers.

He had recognized the barkeeper, but not Hank, with whom his acquaintance was of the slightest. Had the marshal exhibited the least sign of fear or hesitancy, when he entered the room, it is probable Berkeley would have struggled with him for the pistol; but as it was, he was demoralized. He had not realized that the weapon was uncocked, till he tugged at the trigger in vain; and when the other, with a wrench that showed the possession of enormous strength, whisked it out of his hands, the Englishman was for an instant cowed.

He was a brave man at most times, but the bravest has his moments of weakness, when surprised and bewildered, with his senses not fully awake, and such was the condition of Berkeley, of which the marshal had taken prompt advantage.

Now that Berkeley was fully awake, he recognized the other completely, and sunk back on his pillow, trying to appear indifferent as he said:

"Well, now you're here, what the deuce do you want? I didn't know you were an officer, or I shouldn't have fired at you."

Hank took a chair and sat down by the bed, his eyes still fixed on the Englishman.

"Ye didn't fire at me, stranger," he said simply. "Ef ye had, I might b'en mad at ye, but ye didn't fire at nothen. Thar's yer bullet in the wall, at the other side of the passage. Ef ye had fired at me—waal, never mind that—I come hyar to hev a bit of talk with ye."

Berkeley stared at him, and lay back, where he was trying to collect his thoughts and get his head into its usual clear state.

"Talk away," he said laconically.

Hank drew from his pocket a paper, which he showed the Englishman.

"Look a-hyar," he said. "I got this paper from your man, that you're a-runnin' fur the 'sembly. Ye know what it is, don't ye?"

Berkeley looked at it, as the other handed it to him, and the senses of the Englishman returned to him, as he said quickly:

"Yes, yes, that's all right. I know all about it now. I'm the complainant, and Levy's the lawyer. What do you want to know? I am sorry you didn't let me know who you were; but it isn't polite to disturb a man in the morning, when he has been doing election duty all night. You ought to know that—Mr.—ah—"

"Kimble," returned the marshal quietly. "I ain't sayin' but what we might hev woke ye kinder easy, sir; but ye shouldn't fire so quick as ye did. Look a-hyar, I've did a good deal of shootin' in my time, as the boys 'll tell ye; and I never see'd the time when it paid to fire through a do' af' axin' who was thar. It throws away the charge; and charges is wuth two cents apiece nowadays, ye know. A man ain't got no call to waste money like that in Texas. It's extravagant."

He spoke in a quiet, reasonable tone, as if he were seriously remonstrating with a friend; and Berkeley, who had never met him before, was struck with the sense of humor, which generally takes Englishmen, who cross favorable specimens of Western eccentricity, so that he laughed and answered:

"Well, I am sorry I did it. There, sir, is that enough for you, or do you want any more?"

Hank instantly held out his hand, saying:

"Stranger, put it thar. You air a man, and I ain't more'n half sorry I come; fur I know ye won't fly off. This hyar paper comes from a friend of yours, but it wants me to go ag'in' a friend of mine; and that's what I don't want to do, nobow, ef so be I ain't got to do it."

Berkeley could not understand what he meant.

The paper was a warrant for the arrest of "Thomas Field, commonly called Top Notch Tom, a fugitive from justice."

Levy had told him of it, the night before, when they were all pretty drunk, and the boys



of the town were shouting for the town candidate.

The order had been given to the sheriff, who had called out a *posse*; but how it came into the hands of Hank, was the mystery.

Hank made haste to explain.

"Ye see," he said, twisting the paper in his hands; "I ain't got no call to come out on no *posses*, sir; and I don't see what they're a-doin' to put me on. I'm the taown marshal; and I've got all I want, to keep the boys, hyar, in some sorter order. If I go a-huntin' all over, fur this man, the taown will be run inter the gra-ound afore I come back; not to speak of the man bein' a friend of mine. Not that his bein' a friend has anything to do with it; 'cause I has to do my dooty, no matter who it's ag'in'. But I don't want to do it, if so be I kin get aout of it; and that's why I come to see you."

Berkeley lay back on his pillow and surveyed the marshal with increased interest.

"What have I got to do with it?" he asked.

"Waal, sir," said Hank, with the first evidence he had yet shown of nervousness, "ye see, they say, you and Levy is thick, and this hyar warrant comes from him. I come hyar to ax ye, to ax him, if so be ye wouldn't excuse me from goin' on this hyar *posse*; 'cause the man's a friend of mine, and I don't want to go arter him, unless he comes inter this taown. Ef he does, it's all right. I'd rest my own brother, ef he was to come hyar, and the law said it were my dooty. But I don't want to go a-huntin' fur him, nowhere."

Berkeley had, by this time, fully recovered his clearness of head; and saw that his visitor was, at heart, a simple, kind-hearted man, who wished to avoid being drawn into arresting his friend. He had heard, from Levy, that Hank was noted as the best man in that part of Texas, and the only man who could be relied on to face Top Notch Tom, if it came to a fight, with any chance of success, man to man. That was why Levy had had the sheriff put Hank on the *posse*, and why it was advisable he should be kept there.

Had the Englishman been anything but the cold-hearted scoundrel he really was at the bottom, he would have answered Hank's request in the way the latter wished; but as it was, the selfishness of the man made him say coldly:

"It is no business of mine, you know. The man is a murderer. I saw him commit the murder, and he has got to swing for it. You are the officer of justice, and you have got to do your duty. If I had my way, you are the only man whom I should never think of discharging, for the reason that I know you will do your duty."

Hank looked disappointed.

"I'll do my dooty, sure, sir," he replied, with a simple pride that showed how he had it at heart; "but, if so be, the favor could be granted, I'd take it as a great kindness."

"Well, it can't," retorted Berkeley, harshly. "If you neglect your duty, it will be at your own peril. This man has got to be arrested, and you are the man that must arrest him. I insist on it. It is a shame that you should have any sort of sympathy with this outlaw. I want him arrested and punished."

Hank sat by the bedside, looking at him, and when Berkeley had finished, he replied in a voice that showed he was putting a constraint on his feelings:

"See hyar, sir; I know all that; but that ain't got nothen to do with it. It ain't my business to leave the taown; and I kin refuse, ef I want to."

Berkeley turned round his face to the marshal, as he replied, in a slow, sneering way:

"Certainly you can, if you please; but you know what people will say about it."

Hank colored slightly as he answered:

"No, I don't, sir."

Berkeley curled his lip in a sneer of great significance, as he said:

"They will say that you were afraid of Top Notch Tom, and did not dare to arrest him."

Hank gave an almost imperceptible start and his fingers clutched at the handle of the pistol in his pocket, as he said, with an involuntary tremor in his voice:

"It ain't that, sir, and you know it as weal as I do. It's 'cause he's a friend of mine, and I don't want to see the pore feller hunted daown, when I know he ain't done what he's charged with. That's talkin' plain; ain't it?"

Berkeley rose half on his elbow, to reply:

"Very plain, indeed. But I can talk plain, too. I saw him kill the man, and if you refuse to go on the *posse*, they'll say you were afraid."

#### CHAPTER XV.

##### A POINT OF HONOR.

As the Englishman spoke, Hank the Nailer let go of the pistol in his pocket, and his face took on a new expression as he asked:

"Do you mean that, stranger?"

Berkeley saw that the man thought he did, and his selfish heart exulted that the other was so simple. With a bitter sneer, he answered:

"Do I mean it? What a man you must be to doubt it. Here is a red-banded murderer at large, and he is the best shot I ever saw. I thought I could shoot pretty well, but he showed

me that he could beat me all to pieces. I believe he can beat any man that ever stepped. You are the man who has been picked out, because you claim to be the champion shot of the county; and if you cry off, on the pretext that the man is your friend, it shows that you are afraid of him too. I don't say it alone. *Every one* will say the same. If you are the marshal of the town, and refuse to go out of it after a man of that stamp, people will say that he might come in, and you would find some other excuse to get off tackling this *splendid shot*. That's all."

He had spoken with the deliberate intention of taunting the other into accepting the errand, which, Levy had told him no other man in the county could perform so well. He saw that the taunt had taken effect.

Hank, the Nailer drew up his tall figure to its full height, and said slowly:

"Waal, sir, then thar ain't no honorable way to git aout of it, as I see. Top Notch Tom shall be rested; but if so be I undertake the job, I ain't goin' to do it on no terms but my own. You say I'm afraid of him—"

"No, no, I don't; but everybody else will," said Berkeley, stung into telling the truth by the face of the man he could not help admiring.

Hank nodded.

"That's all right, stranger. Reckon you and me won't quar'l over it. The boys says I'm afraid of him? Waal, thar's only one way to settle it. I'll go and bring him in; but I don't want no *posse* to do it. I'll go alone, or not at all. You kin tell that to your man, Levy. I wish ye a very good-mornin', stranger."

And the Marshal of Satanstown stalked out of the room, leaving Berkeley to mutter to himself:

"Heavens! if I only had a regiment of such men as that, I'd go anywhere and do anything."

And with that reflection, he rose, dressed himself and went down-stairs, where he paid Red Mac for the damaged wall, with his bill, and departed, to seek his estimable friend, Mr. Belshazzar Levy.

He found the legal gentleman in his office, for Belshazzar allowed nothing to interfere with business; and his potations of the night before had not impaired the clearness of his head.

When the lawyer had heard the substance of the interview with Hank, the Nailer, he was pleased.

"If Hank says he will bring him in, he will do it," remarked Levy. "He is the best man in the county, by all odds, and he never yet failed to make an arrest. If he likes the man, so much the better for us. He will be sure to get him; for he has the tenderest conscience of any man I ever came across; and he will not let even Top Notch Tom get the best of him. Rest secure, Cap, Hank will bring Top Notch Tom into Satanstown, if he says it."

Berkeley seemed a little uneasy.

"Confound your Texas people," he observed. "I don't understand them any better than I did when I first came here. Here is a man who likes another and won't arrest him; but, the moment I hint he is afraid, he is off at a tangent, and only insists that he shall be allowed to go alone. Don't you think there may be a trick in it all? What is to hinder him from going off with his friend and turning outlaw, too? Such things have happened before."

Levy shook his head as he said:

"You don't know them yet; and I am afraid you never will, Cap. These Texas men have their own points of honor, and they are as tenacious of them, as you are of yours, over the water. Now, you Englishmen, I have heard, have points that we think foolish; and yet you stick to them. They say that, over there, you make it a point to lie, if there is a woman in the case. Now, I should call that folly—"

Berkeley broke in:

"Oh, no, confound it, you know, man, there is a line; and we *must* draw it somewhere. A man can't go and tell all about a woman, if he has got her into a scrape. I hear you do it over here, but I must say none but a cad would."

The lawyer laughed as he replied:

"Exactly. You have your point, and they have the same here. The Texas man's point of honor is that he never gives in, when it is a question of personal danger. Hank will go after his best friend, and bring him back to certain death, if you can only manage to make him think his friend might shoot him. For my part I don't believe that Top Notch Tom will show fight, when he sees Hank, the Nailer. If he does, one or both will go under, and that is our gain, anyway, Cap."

"How so?" asked the Englishman.

"How so? Why, if Top Notch Tom is killed, it is our gain, and Hank the Nailer is a good man on the other side before election. He will be away, and can't work the boys as he would, against me, if he were here. On the whole, Cap, the best thing you ever did, when you came here, was when you got him to say he would arrest Top Notch Tom."

Berkeley smiled.

"I'm only from the other side of the water, you know, Levy; but I have a little knowledge of human nature, and I saw there was some

trouble with this man to get him to arrest his friend. Well, it's all right now, isn't it?"

"All right, if Hank says he will go. We must do as he says. He is the town marshal, and has the right to refuse if he pleases."

"So he told me, and I didn't believe him."

"You didn't tell him so, did you?"

"No."

"I need not have asked, for I see you did not."

"What do you mean, Levy?"

"I mean that if you had told him that you wouldn't be sitting here, Cap. That man is the best shot in Texas. It's a wonder he didn't shoot you when you fired at the door."

"But confound it, Levy, he couldn't, ye know."

"Why not?"

"He hadn't a pistol in sight, and his hands were in his pockets as he came into the room. He wouldn't have had time to draw a weapon before I could have riddled him. I had my pistol out and pointed at him."

"And he had his hands in his pockets?"

"Certainly. He couldn't have got his pistol out in time. I had the drop on him."

Levy laughed.

"I see you are green in Texas, yet, Cap."

Berkeley colored with anger.

"What do you mean, sir? I'd have you know that I have traveled in other parts of the world, where they shoot as well as in Texas."

"Exactly, but not in the same way. And you thought you had the drop on him?"

"There is no *thought* about it. I *had* it, sir."

"Captain Berkeley, I'll tell you one thing. A man may travel a good deal, but there never was a country he came to where he could learn so much as in Texas."

"What do you mean by that? Confound it, Levy, none of your mysteries with me. Tell me what you mean, or I may show you that I know too much for you, anyhow."

"Granted, Cap, granted. I am no fighter. I do not covet any distinction of the sort. But that does not prove that you can whip any man in Texas. Why, Hank, the Nailer, might have killed you any time he pleased, and you would never have known what hit you."

"How? Please explain what you mean. How can a man kill another, with his hands in his pockets?"

"By firing through the pocket, of course," was the quiet answer, at which the captain stared, and then with an angry "Pshaw" broke out:

"How the devil can that be done? He couldn't aim and he might burst the pistol."

The lawyer's only answer was:

"Look at that spot on the wall, Cap. I am no shot; and don't know if I can hit it; but here goes for a try."

So saying, he fired a sudden and unlooked for shot, out of the side pocket of his coat, in which his hands had been thrust, all the while he had been talking, since the Englishman had uttered an angry word.

The shot struck the wall in the middle of where the previous winter's northers had made their mark on the wall. The stain was about six inches across, and the mark an easy one to fire at; but the Englishman was nevertheless, astonished; for he had not thought the little Jew capable of any thing of the kind.

The smoke of the pistol, curling up from the side pocket of the old office coat Levy was wearing, showed that he had actually fired as he said, through the cloth; and Berkeley with a grave look, said:

"By Jove, I didn't think it could be done. The man might have shot me, at any time."

Levy laughed, as he took the pistol out and blew the smoke from the muzzle.

"When a Texas man puts his hands in his pockets, Cap, look out for trouble," was all he said.

Then he turned away from Berkeley to his desk, and began to clean out the chamber which had been discharged, and Berkeley left the office with a thoughtful air, and the conviction that Texas was a hard place to live in, even for a traveled Englishman.

As for Levy, the little Jew chuckled to himself:

"Reckon, he won't come blowing around here, if he is six feet high, when he sees my hands in my pockets. Wanted a lesson, if he is a client."

#### CHAPTER XVI.

##### THE ARREST.

TOP NOTCH TOM was sitting in the jacal, where he and Old Cross-Eye had had so many happy hours, before he had thought of becoming a crack shot, while his friend Wild Cat, with three other Indians, sat in the but with him, conversing soberly over the prospect of Tom, to get relief from his outlawry.

The Indians understood him; but failed to see that his position was a hard one; for they had experienced it, almost all their lives, and had a fancy that it would make their young and enthusiastic friend stick closer to them.

And they were all fond of Tom, for several



reasons. He had never showed fear of them, even when he knew nothing of fighting, and he had never grudged them anything he had. And the native hospitality of the Indian race was gratified at the way in which the white man imitated their ways in that respect.

Tom had some cattle in the ranch, feeding around the jacal, though there were not more than a hundred head or so. What was there could not get out; and had become very much tamer than Texan cattle in general; while the Indians had made more than one addition to the stock, which they raided when it pleased them; for an Indian loves no meat so well as that which he kills, in the style of the old buffalo-hunt, while they had no real need of it, and gave back two to one, in most instances, when the mood took them.

The friends were seated around a fire, where they were broiling beef on the coals, and Wild Cat was exhorting as usual, when they heard a long shrill whistle without, and all started up and took their arms in a hurry; for the signal came from an Indian, who had been set on guard, to warn of the approach of any one from the southern counties, where the men were all enemies to Tom's friends, and, presumably, to himself.

When they got outside, they saw the scout, at the top of a hill, riding his horse in a circle; the well-known signal that an enemy was approaching; and Wild Cat said to one of the other Indians, who was named Wolf-Eye:

"Take Panther and White Calf, and find what it is. If it is one man, kill him."

Tom interrupted him to say:

"Why kill him? Bring him in. One man is not to be feared; is he?"

Wild Cat looked at his pupil gravely.

"My white brother is not yet red in his heart. The dead are safe to take no scalps; and the living man is always ready to kill."

Tom shook his head.

"If there is anybody coming that way, it can only be an enemy of mine, and I must fight him in my own way. If it is one of your own foes, I have nothing to say; but at least, let us not make murderers of ourselves without cause."

Wild Cat allowed a grim smile to cross his face, as he answered:

"If my brother wishes to have his foes love him, as he has told me, from the book of his people the Good Spirit wishes, it is well; but, if it is war, let it be war. The dead enemy is the only one that need not be feared."

"And I say that I fear no single man in Texas," was Tom's rather proud response. "If the enemy is but one, bring him in, and harm him not."

Wild Cat turned to his friends.

"If it be one man, bring him in; if it be two, bring them in, but keep your guns so that you can shoot them. If it be three, fire on them, as soon as you feel sure you can kill them all."

White Calf, Panther and Wolf-Eye went off at the usual gallop of the Indian, and Wild Cat continued to Tom:

"My brother will learn some day that the teachings of the Great Spirit are not meant for red-men and white, when they meet. If we followed them, the white men would eat us up in a year."

Tom smiled as he retorted:

"They are eating you up as it is, are they not? You have told me so, again and again, and you have fought them till you have not fifty men left in your tribe. If you were to try my plan awhile, you might find that it would pay better. The Government would have to take care of you then."

Wild Cat made no answer, for he was watching the scout at the top of the hill, and presently he observed:

"It is but one man, after all, for the Wild Cat says so. We can go into the jacal again, and eat, or get ready, till he comes."

Then he stalked into the hut and began to eat with the air of a man that shakes all responsibilities from his mind, and waits for the consequences, with an idea that he will be right.

Tom, on the other hand, was decidedly uneasy, for he had reason to expect that any person who came that way would be an enemy to him.

The only encouraging feature about the coming of the stranger was that he was alone; and Tom thought that, if there was any attempt to arrest him, it would be made by a large force.

"Are you sure," he asked Wild Cat, presently, "that the man on guard might not be mistaken? He might only see one man, and there might be more hidden."

"When the Wild Cat sees an enemy, he never calls till he has counted. If he says there is but one man, there will be but one," was the positive reply of the Indian.

So Tom waited, till he heard the tramp of horses outside the jacal, and up rode his friends, with no less a person than Hank, the Nailer, who as soon as he saw Tom, rode up to him, and said:

"Tom Field, I come all the way from Satanstown to see you, and I didn't expect to find you with a passel of red devils, like this. It ain't possible that you've turned a squaw man, is it?"

Tom laughed and held out his hand. He knew the prejudices of his old friend, and laughed at them, though he answered:

"It is *not* possible, Hank: so you need not be uneasy about that. One wife is enough for me, and you know I have one, at home, but these are my friends, and they ought to be yours, too."

Then he performed the ceremony of introduction all round, and the Marshal of Satanstown eyed the Indians, with a gravity that showed he did not like them, at the same time that he was civil.

Then he was asked into the hut, and, as he dismounted, Tom added:

"You've had a long ride, and must be hungry. We have good beef inside; and, as you don't drink whisky, there is no need why we should not get on, Hank. I am very glad to see you. I thought, at first, that it was some of those cattle company men, coming after me, but, as soon as I saw you I knew it was all right."

Hank, the Nailer, as he dismounted, managed so as to put the horse between himself and the three Indians, who were sitting aloof from him, and evidently rather suspicious.

As he stood by Tom, he suddenly put his hand on the shoulder of the outlaw, and said:

"Thomas Field, I arrest you in the name of the State of Texas. Tell them Injuns to go off, or thar'll be a muss and you will git wiped out."

His tone was that of ordinary conversation, but Tom saw that he had a pistol in his hand, and was resolved to do as he had said, for the muzzle was directed at the heart of the man he had just arrested, and the expression of his eyes was that of cold and pitiless determination. As Tom hesitated, he added, in a low tone:

"I ain't got no time to waste, and you're a friend of mine; but them Injuns isn't. Quick! Do ye give up?"

"Of course I must," said Tom, not without a sigh; "but let me tell you, Hank, that if you had not come in as a friend, you could not have got me so easily. I surrender, of course."

He had his arms on him, but the other had him covered and would have killed him in a moment.

The Indians who had heard the words, and partly understood them, now came closer, and Wild Cat shouted:

"Let go! Let go!"

It was all the English he could think of at the moment.

Hank, the Nailer, only tightened his grasp on the shoulder of Top Notch Tom, and said to him:

"Send 'em off; send 'em off. I don't want to kill ye; but, ef it must be, it must be."

Tom waved his hand to Wild Cat.

"Do not interfere," he said in the language of the tribe. "This is a friend of mine; but he has a duty to perform, and he has come to do it. He will see that no injustice is done to me."

Wild Cat called out:

"Say the word and we will kill him for you. I told you that there was no man alive who was as safe as a dead foe."

Top Notch Tom's first answer was to take off his belt and throw the pistols it contained to the ground, when he answered in words:

"I tell you this man is a friend of mine, and he must not be touched. I have promised to go with him."

The Indians were puzzled.

Had it not been that they were keen judges of the expression of the human face, and saw that their friend would be killed if they persisted in their attempt to rescue him, they would have opened fire; but they loved Tom and did not want to expose him to death.

Wild Cat called out:

"Be it so. He can have you now; but we will kill him to-night, and you shall not go with him."

Then he reined up his horse and his friends did the same; while Hank, the Nailer, who had stood all this time with his cocked pistol against the heart of Top Notch Tom, observed:

"Tell 'em to go away; or it will be the wuss fur all concerned, Tom. I've got ye, and I'm bound to take ye to Satanstown."

Tom called out to the Indians and told them the marshal insisted they should go away at once, or his life would pay the forfeit.

Wild Cat grinned with rage at the way in which he had been tricked, for it touched his pride as an old warrior; but the stoicism of the Indian came to his aid, and he made no answer but to turn his horse and ride off with his friends.

Then Hank, the Nailer, turned to Tom and said:

"Tom Field, you're a man, and I'll never furgit this! I've got to take ye in, 'cause it's my dooty; but ef thar's anything I kin do fur ye arter ye gits into prison, it shall be done! Whar's yer boss? We've got to git out of this."

Tom saw him replace his pistol in his belt as if he anticipated no further trouble, and for a moment he was tempted to make a fight of it; for he was irritated at the easy way in which he had been taken by the indomitable Hank,

with no deceit or trickery save that he had not told him before he arrested him that he was going to do it.

With a forced and rather bitter laugh, he said to Hank:

"It's not my business to help you now. You call yourself my friend, and you have come all this way to arrest me. You know I am innocent of murder, and yet you have lent yourself to my enemy. Now you have got me, what are you going to do with me? Suppose I say I won't go with you?"

Hank gravely answered:

"Ye won't say that, Tom."

"Why not?"

"'Cause ye know I'm yer friend. Ye wouldn't make me kill ye, and then go home and tell that pretty little wife of yours that she was a widdy already, would ye, Tom? It wouldn't be the squar' thing on me, nohow. I don't want to be hard on ye, Tom. I know ye didn't never kill no man, but what it were in fa'r fight, and that ain't no murder in Texas. But I got the warrant fur ye, and that Englishman allowed as how I was skeered to make the 'rest, and I had to do it, Tom. If ye hadn't had them Indians 'round, I'd ha' bruck it to ye kinder easy and axed yer pardon; but when them red devils gits up thar dander, it ain't in Texas nater to take water fur them. Naow, Tom, I put it to ye, whether it's nateral fur one white man to jine the red devils to kill another white man? If them Injuns comes arter ye, I s'pect ye to do yer best to help me, and that's what I'd do fur you if you was in the same box."

There was something in the simple manner of the marshal, and in the way he spoke, that convinced Tom that he was in earnest.

He thought he was perfectly justified in asking Tom to help him in the arrest, and the heart of the outlaw was touched by the appeal to his honor.

He resolved to try Hank, and see if he was accessible to the same feelings as those to which he appealed.

"See here, Hank," he said. "You don't know those Indians, as I do. They are very fond of me, and they think you are my enemy. It will be impossible for me to prevent them from coming down to rescue me, unless I can make believe, to them, that the arrest was all a joke. Will you trust me, if I give you my word of honor to come back to you? I must be allowed to go away, and see them, with all my arms, and you must take the chances of whether I run away or not. If you will do that, I promise you that I can send those Indians away, and that they shall make no effort to retake me, and kill you."

Hank looked at him narrowly from head to foot.

"See hyar," he said; "I've knowed you fur some time, and I never knowed ye to lie. If ye was to lie to me now, and not come back, d'ye know what I'd have to do?"

"No," said Tom struck with something in the other's face, that awed him, without knowing why.

Hank took the hand of the young outlaw, and his eyes had a kindly gleam in them that surprised Tom, as he answered:

"Boy, I don't want to kill ye; but ef ye was to play me false, I'd have to do it, and I'd hate it mightily. I'll take yer word."

"Very well," said Tom, who stooped and picked up his weapons, which he replaced in his belt, as he buckled it round his waist.

"Now, Hank," he said, "I am going out to see the Indians. If they do not choose to let us go back to Satanstown, they can stop us, for they have at least fifty men within call. If I ask them, as a personal favor, to let me go to Satanstown, they will do it. But suppose old Wild Cat wants to go with me; how then? He is very suspicious, and may demand it."

"Will you give yer word that he don't cut up no shines?" asked Hank.

"I will, if no harm comes to me. If he sees any sign of treachery, I think it more than likely that he will fight," said Tom frankly.

"Then he kin come," Hank said. "We may want him."

## CHAPTER XVII.

### THE GATHERING OF THE CLANS.

HELEN COLLINGSWORTH was seated at the window of the belvedere that commanded a view over the prairie for miles around.

Beside her was a long telescope, on a stand: one of the few remnants of the life the old judge used to live before the war, in Georgia, when he was a rich planter and had little to do but to amuse himself.

His hobby in those days had been amateur astronomy, and he had a very fine glass, with a four-inch aperture, through which one could see the moons of Jupiter, the rings of Saturn, and the other wonderful sights that stud the heavens.

He had brought the glass to Texas, but had not had much time to use it, though he had the little observatory built, on purpose to take it in.

But, if the judge had forgotten his old friends in the sky, his daughters had found the telescope



very useful to inspect the country for many miles around.

One could read an ordinary newspaper, set up at a distance of two hundred and fifty feet, and features of people were clearly visible at several miles off.\*

The time was mid-day, and the girl had just been sweeping the horizon, in the hope that she might see something of Tom Field, for her sister was getting into a very nervous state, since the night when he came home.

That night had cost the county the lives of six men, of whom the company had lost four, and the ranchers two; though the number of wounded men balanced the other way.

Since the fight, both sides had kept very quiet; for the feeling of the public, as the election drew near, was getting so delicate that neither party dared make a move, for fear of affecting the chances.

Some of the fences had been cut that night; but the feeling of the townsmen was against the company, as far as that was concerned.

Like all Texans, they were in favor of freedom in the abstract, though the concrete arguments of hard cash had a good deal to do with the change that had come over them since the company had stopped supplies at the hotels, feeling secure of the victory.

The ranchers had begun to spend money, too, now that the contest was getting to a close, and the fight belonged to any one yet.

Helen Collingsworth had been looking out through the telescope toward the north, in the hope of seeing some strangers there: but the prairie in that direction lay bare and empty, save for the cattle, scattered about and grazing or lying down in the sun.

The cowboys of the ranch were resting or riding slowly along on their beats; for the cattle were all quiet, and there were no symptoms of any change in the weather, such as sometimes produces a stampede.

From the belvedere one could plainly see the line of posts and the odious wire fence of the company; and, on the other side of this hateful barrier, the cattle of the corporation were feeding at large, blackening the face of the prairie with their numbers.

As yet the cattle of the ranchers had not been seriously inconvenienced by the cramping quarters to which the fence confined them, for they still had an allowance of about an acre to each animal, and the grass had not been quite exhausted. The difference between the ranches, outside and inside the fence line, could be traced by the darker appearance of the herbage in one case, where it had not been eaten so close, and the brownish hue that was creeping over the other, where there was hardly room for the cattle to graze much longer, without change.

The red hats of the cattle company's guards were clustered thickly at the boundary of the Collingsworth Ranch, and the men seemed as if they were holding a consultation about something or other, when Helen saw some one riding briskly toward them, from the log-palace of the rich corporation, and the circumstance attracted her anew to the glass she had just quitted.

Through the telescope the face and figure of the horseman were clearly revealed, as he rode on at a gallop; and Helen saw that it was Berkeley, armed as if he was going out on dangerous service, and that as he halted the men gathered round him, and he seemed to give them some orders.

It was to her rather a strange sensation to be looking through the powerful telescope at this man, who was nearly two miles off, and see him as plainly as if he had been standing by her side. It seemed to her, for a moment, as if she must be able to hear what he said, and she was actually able to tell the purport of his speech by careful observation of the movement of his lips, and the gestures with which he accompanied them.

She was assisted in this by the fact that she had studied the art of speaking to deaf people, in the person of Deaf Smith, whom she could make to understand her, by speaking in a whisper, when no one else could by shouting.

The Englishman, like most of his class—for Berkeley, with all his rascality, came from the gentlest stock in England, and could not shake off the habits of speech and manner implanted in him by early education—spoke clearly, and did not slur his words into each other, while his articulation was very distinct.

She managed to make out that he was giving them orders to go somewhere; and, from the direction in which he pointed, she imagined it must be Satanstown.

As he went on with his directions, several of the men turned their pistol-belts round and looked down at their weapons, as if they had been asked whether they were in good order.

Then Berkeley turned his horse, as if he had

finished giving his directions, and rode off in the direction of Satanstown; while all but two of the cowboys, after a short consultation, left the spot where they had been congregated, and rode toward the log-house.

Now, with her interest fully aroused, the girl turned the glass to follow them, and watched the party as it rode off.

She saw the men go to the log-house and stop at the piazza, where they dismounted and stood round, waiting for orders, as she thought.

Presently she was undeceived by the appearance of another party of men, coming from the direction of Punch Burleson's Ranch.

These men rode up and dismounted, as had the first; and stood there waiting.

The first party had been five men, and the party from Burleson's swelled the number to twelve.

Convinced now that something was going forward, she kept her watch at the telescope, and soon saw a third and fourth party, coming in from the ranches of Deaf Smith and Colonel Callahan, all of them halting at the porch of the great log-house, and waiting, like the rest.

More parties arrived, till she had counted no less than fifty horsemen, and then the form of Berkeley made its appearance from a direction that showed he must have been round collecting his forces; for he was accompanied by more than a dozen men.

He rode up to the porch, and the men who were there mounted in haste, and rode off with him in the direction of Satanstown.

Helen watched them till they disappeared over a swell, and then turned her gaze toward the town itself, which was visible at a distance of five miles, on the summit of a little swell in the prairie.

Presently she spied the horsemen, riding out from under the shadow of the swell that had hidden them from view, and they took their course straight to the town, as she had anticipated.

Sweeping the horizon, she was surprised by the sight of more men, coming from other directions, in which she recognized the men of her own party, from the difference of their dress.

They were coming in small groups and hurrying toward Satanstown, as if they, too, had been warned to go there; and she set it all down to some meeting, in connection with politics.

She saw the cattle company's party enter the town before any of the ranchers got there, and wondered what the matter could be; when she heard the tramp of a horse, at full gallop, below the house, and, looking out of the window, saw Punch Burleson there, waving his hat, and evidently in a state of great excitement.

The rancher was pale, and the sweat was pouring down his face, as she could see, from the way in which he took off his hat, to wipe his brow.

Her father had come out of the house below, and she heard Punch talking to him in tones of great excitement, though the distance was too great to enable her to hear distinctly what he said.

She would not have been a woman, if she had not desired to know more than she could hear from above; and it was the work of a very few minutes to hurry down-stairs and run to the door, where she saw Punch in earnest conversation with her father.

As soon as the honest rancher saw her, he stopped with abruptness, and seemed to be much embarrassed; but Helen advanced and asked him:

"What is the matter, Mr. Burleson? Is there any trouble that is taking the men to the town?" Punch hastily answered:

"Why, no, Miss Helen; it ain't nothen at all a lady need trouble about."

But the expression on his face contradicted his words so completely, that she said:

"Come, come, Mr. Burleson, it is no use to try and deceive me. I have been watching from the belvedere; and all the cattle company's men have gone there too. What is the matter?"

Punch hesitated and looked toward the judge; so that Helen's eyes naturally turned that way also.

She saw that her father was very much agitated too, and that his face wore an expression of deep trouble.

"What is it?" she asked again. "You are hiding something from me, father. What is it?"

Unconsciously she had raised her voice somewhat, and the judge put his finger on his lips, as a signal for silence, as he whispered to her:

"For God's sake! don't speak too loud. I'll tell you all, if I can trust you; but don't let Di hear a word. She was asleep on the sofa as I came by the parlor."

Then Helen knew that there was bad news of her brother-in-law, and her face paled, as she said quietly:

"Tell me all, and I will be calm. Tom is in danger—is it not so?"

Punch broke in hastily.

"Don't say danger, miss—don't say that. The boys will stick by him till the death, and we won't let them snoozers come any of their games over him; but we got to jump, I tell ye, if

we're to do anything. That's why I come for the judge. Kin ye keep the lady quiet, and fool her, while we're gone, miss? That's what's the matter naow."

The man, now that the question was fairly before the girl, seemed to be relieved and spoke directly to her, and Helen answered:

"I will try what I can, but I must know what is going on, or I shall never be able to invent excuses."

The judge answered instantly:

"That's right—that's right, Helen. We can trust her, Punch. She's got the grit of the whole family, and she won't go back on her word. I'll tell you what it is, child. Hank the Nailer has got Tom; he has arrested him, near the Indian Territory, and I don't believe there is another man in the State who could have done it. But that's not the worst of it. He would have had to be brought up to trial some time, and the sooner the better, to get it over. But those cattle men are going to town, and it is feared that they are going to try and lynch the poor boy. That is why we are going to town, to help the sheriff."

Helen had listened to the story quietly, and now she asked:

"Has the sheriff sent for help?"

## CHAPTER XVIII.

### THROUGH THE TELESCOPE.

THE question: "Has the sheriff sent for help?" was a simple one; but it made her hearers turn their heads away, for they knew that he had not.

Punch Burleson was the first to answer:

"No, miss; he has not; and that's the trouble. You see, Jack Wilbur is a good boy, and makes a good sheriff! but he ain't, what's to say, as spry as he userd be. He don't know the ways of those men at the big ranch, and we're afeard that they'll get the Satanstown boys on the rampage, with thar bad whisky, and get 'em to talkin' of break the jail. That's why we want yer father to come down thar, 'cause the boys all knows him, and knows he wouldn't do nothen that warn't on the squar'. I sent aour boys all over, anyhow; but it won't do to hev a fight, ef we kin help it, miss. Ye see, Hank, the Nailer, is one of the best boys the Lord ever made; but we kinder think he might l.ve let the company fetch Jack, all alone."

"I should think so," said Helen, with a flash in her eye that made her look handsomer than usual. "I think, for a man who has pretended to be Tom's friend, it was very shabby conduct. He knows Tom was never guilty of murder. Why, I—"

She checked herself suddenly, as if afraid of having said too much, and added, to her father:

"Go to the town, and I will see that Di is not excited. If anything happens—"

Here she stopped again, and seemed to be struggling with her feelings.

"If anything happens to him, which cannot be hidden, I will break it to her. God bless you, and speed you, father."

She threw her arms around the old man's neck, and turned away to re-enter the house, while the judge hurried away to the stables, where the riding horses for the house were kept, to avoid the trouble of having to lasso them, in a hurry, out at pasture.

Then Helen went into the parlor, and found her sister, sleeping, calmly as an infant; for she had lately become a great sleeper and was tired by the least thing.

Helen sat down by the couch, and watched the young wife with a face that showed the current of varied emotions.

She thought how her heart would be torn, if it were her own husband who was in the terrible danger which Burleson's words implied.

Once she had had a sort of idea that it might have been her own case; for there had been a time, in the courtship of Tom Field when the sisters were in doubt which of the two he preferred; and there were not wanting ill-natured people, who thought that Helen Collingsworth "felt a little bad," when her sister was married.

But Helen herself knew better. She had a sincere affection for Tom; but it was only that of a sister, who had never had a brother in her life, and enjoyed the change.

She was very fond of Tom, but still fonder of her sister; and it was the knowledge of the danger to that sister should she hear, by any chance, of what was about to happen that made the usually quiet and collected Helen sit by the couch of the sleeper, trembling to see her awake.

It was not very long before Diana awoke from her slumber and looked up at her sister with the query:

"What time is it, Helen? I really think I must have been asleep."

And Helen had to smile and try to keep her from seeing that there was anything the matter.

"I should rather think you had been asleep," she said playfully. "But it is all right. You want to sleep all you can nowadays, so as to be well and rosy when Tom comes home."

Diana sighed.

"When Tom comes home. Ah, yes, Helen;

\*A good four-inch object-glass, with a proper eye-piece, will test on a printed page of letters one-sixteenth of an inch high, from one hundred and eighty to three hundred and twenty feet, thus rendering a face, which is about eight inches high, visible at a distance ranging from three and a-half to seven miles, according to the goodness of object-glass and power of eye-piece.



but I sometimes think he will never come home. And we were so happy—he and I. It seemed as if the trials we had, when we were courting, had ended in such happiness as never woman had before. And now we are separated; and God knows if I shall ever see him again."

And she began to cry softly, while Helen sat by her, not unwilling to see her weep; for it showed that she was not in an excitable, but rather a melancholy frame of mind.

"Come, come, cheer up, or Tom will say we have been making you wretched," she said, as she patted her sister's shoulder. "Isn't it time you had something to eat, dear? It is almost two; and dinner is over long ago. I thought that I wouldn't wake you, as the doctor said that sleep was better than meat to you, when you felt like it."

Diana yawned; for the mention of dinner set her to thinking of her fleshly wants, just as Helen had meant it to do; and the "orders of the doctor" were flats that were never disobeyed in the Collingsworth household.

So Helen got her off to the dining-room, and plied her with all the little delicacies that she knew would be relished by the young wife; while Diana, who had lately developed an astonishing appetite, ate heartily, and then avowed herself ready to go out and take a little walk round the ranch.

Helen pretended delight with the plan, though she was burning with impatience to know what was going on in the town; but a walk would prevent Diana from seeing anything beyond the immediate vicinity of the ranch, and Helen was mortally afraid that she might want to go up on top of the house, and look through the glass, when she feared that she could not help seeing that something was wrong at Satanstown.

The girl kept her ears open, all the time, for the sound of shots in that direction; but heard none; and the little walk became quite a stroll round the yards, where the home stock of the ranch was situated, for the doctor had forbidden Diana to ride on horseback, and the active habits with which the young wife had been brought up compelled her to take some form of exercise, to keep her from falling away in health.

But she tired very soon now, and was glad to go into the house and lie down again; when Helen had the happiness of seeing her fall asleep, in less than ten minutes, with every chance of remaining so, for at least an hour.

That result occurred at about four in the afternoon, and Helen darkened up the room, and stole up to the belvedere again, to watch and see if there was any sign of disturbance in the direction of Satanstown.

She turned the tube that way, and saw that a number of horsemen were riding to and fro, in the vicinity of the town, in whom she recognized the men of her own party.

But there was no sign of a fight taking place though there was evidently great excitement.

Messages seemed to be carried to and fro, and men gathered in groups, as if they were expecting something to take place; but there were no flashes of firearms, as she had almost expected.

Then, of a sudden, as she looked, all the horsemen gathered together in a dense mass, and halted while a second body of horsemen came out of the town toward the first.

Then the ranchers spread out, in a long thin line, and she expected that the fight would surely open at last.

The body from the town was composed of the cattle company's party, for she could see the red hats, though the distance was too great, even through the powerful glass, to distinguish faces plainly.

She could make out figures; and, from the general air, tell who was such and such a horseman; but that was all.

Then she turned her eyes on the company's party, and soon recognized the tall figure of the English overseer, at the head; for he rode in a different style from all the rest, with short English stirrups, and a saddle that made the Texans stare, it was so different from the heavy Mexican rig they were used to.

And then, as the two bodies approached each other, came a sudden break in the long line of ranchers, and their men galloped away, as if in flight, from before the company's men, to the intense astonishment of Helen, who could not understand the movement.

She understood better, in another moment, when she saw the company's men break up also, and go racing after the ranchers, though the flash of firearms was entirely absent.

Then also she saw something else.

The ranchers were racing after three horsemen, who had come from another side of the town altogether, and were riding straight toward the ranch where she was watching.

They were ahead of the company's men and the ranchers too, but she could not see plainly, yet, who they were.

Then she uttered a slight exclamation, as she recognized something, in the air and glittering dress of the first man of the three, that made her heart beat wildly.

It looked very much like Top Notch Tom, and

he was coming to the ranch, as straight as a stretched line.

Then she turned her attention to the men with him, and saw the plumes of an Indian on one, while the other was a tall man, who was mounted on a much larger horse than the rest, and frequently slackened the speed of his horse, as if to look back over his shoulder.

On they came, and, as they grew nearer and nearer, the power of the great telescope separated their features till she distinctly saw Top Notch Tom, Wild Cat, and Hank, the Nailer, with the ranchers between them and the cattle company's party; and all were coming straight to the ranch of the judge.

What to make of it she did not know.

## CHAPTER XIX.

### FINDING A BONDSMAN.

In the mean time, the good city of Satanstown had been considerably exercised, about the coming of its marshal, with his prisoner.

They knew that Hank, the Nailer, had gone away from the town, alone, after a consultation with the sheriff; and that he had promised to bring back Top Notch Tom, with him, dead or alive; the marshal refusing to be accompanied by any posse, though the desperate character of the outlaw was acknowledged by all hands.

The town boys were never so proud of their marshal as when he rode off all alone, on his perilous errand.

It was suspected that Top Notch Tom was up by the Indian territory somewhere; for he had often spoken of his ranch there, which he had kept with Old Cross-Eye, and where he had accumulated comparative wealth, by the hunting of Mavericks.

The fact that he was "in with the Indians" made the attempt to arrest him the more perilous; for the Territory was known to be the resort of all sorts of desperate characters, who had fled from justice in Texas and Arkansas, and were willing to take any measures to defy the officers of the States, should they venture to try forcible measures.

Three days passed away; and, on the fourth, one of the company's ranchmen came tearing into the city, full gallop, and dashed up to the office of Mr. Belshazzar Levy, with whom he held a short consultation, which resulted in his leaving the town, and going, as hard as he could drive his pony, to the log-palace of the company, while Belshazzar spread the news that Hank, the Nailer, was coming back with the prisoner, and an Indian, from which it was augured that the Indians had consented to give up the fugitive.

The man who had come in was a cowboy, on the watch at the outskirts of the herds of the company, who had stumbled on the marshal and his prisoner by accident, camped in a motte of timber, about fifteen miles from the city.

He had seen the three men, all heavily armed, from which it was supposed that Hank had made some sort of compromise with the criminal to secure his attendance.

Levy spread the news, with all the additions that malice could suggest; and did what he could to injure Hank, the Nailer, in the estimation of the people of the town, but without effect.

The people knew Hank and they knew Belshazzar; so they preferred to wait till the marshal came in, before they passed any verdict against him.

But there was a great deal of talk around the bar-rooms of the Lone Star and the White Elephant on the subject; and, as Levy had a party, which fluctuated according to the amount of rum he set up for them, a driving business was done at both bars that day, pending the arrival of the prisoner.

And then came the men of the cattle company, in a body, with Berkeley at their head, prompt on the news that the prisoner was coming; while the ranchers came straggling in, after their rivals, in parties of four or five at a time, ready for a row on the slightest provocation.

The numbers of the two parties were not far from equal, though the cattle company's men had the advantage, had they dared to use it at first, that they were all in a body, while the ranchers came along in straggling groups.

But war had not yet been openly declared, and the cattle company's men, though they would have dearly liked to beat their enemies in detail, did not dare to make the first attack on them, for fear the townsmen might take their side.

As it was, the sympathy of the native Texans for their fellow-citizens, as against the foreign corporation, with its English leader, was beginning to show itself, in more than one place, as the passions, excited by the free fight at the Lone Star faded away in the light of reason; and Berkeley knew that he would have to be very cautious, in order to fix the blame of any fight on the ranchers that day.

This was the principal reason he had collected his men into one body, where he would have them all under his own eye, and be able to keep them from getting into the unauthorized

fight, which they were all itching to begin, on their own account.

But the town was full of men, for nearly an hour, and still there was no sign of Hank, the Nailer.

It began to be whispered about that there was no prisoner, and that Hank had not been seen at all; and the excitement began to die away, when a shout, from the north side of the town, told the townsmen that some one was coming, and one of the ranchers' party rode down the street at a wild gallop, and dashed up to the judge, who had been elected, by one consent, chief of their movements that day, to tell him that he had seen and talked with Hank and his prisoner.

The man was Mr. William Ward, of the Screw Worm Ranch who had disappeared from the county at the same time that Top Notch Tom had fled, but had since made his appearance at the ranch of Punch Burleson, where he had arrived the day before, when the news had been communicated to Punch, that Hank was coming.

Sandy Bill had recovered his brightness of eye and steadiness of nerve, in the bracing atmosphere of the distant ranch, and from the total absence of whisky; and he looked a different man from the shaky victim of delirium tremens, who had gone away with Tom, afraid to go to sleep or be left alone, for fear of the foul visions of a disordered brain.

That he was in the confidence of Tom and his companions goes without saying, and he told the judge that Hank had sent him on, to find out if there was any apprehension of foul play against the prisoner, in which case his failure to come back would be taken as a signal that the danger existed, while his return would be proof that Hank could enter the town without fear.

The cautious marshal had camped in the motte, and had not advanced further than about five miles from the city, where he had halted and sent Bill on to get the news.

The result of this message was, that the old judge sent Bill back to the marshal with full intelligence of what had already taken place, and suggesting a plan of action, which he followed at once.

It involved a visit to the sheriff of the county Mr. Jack Wilbur, who would come up for re-election at the same time as the member, and was anxious to avoid displeasing either side, if he could.

The question, in Wilbur's mind, was of the strength of the respective parties; and when he had sent Hank after the outlaw, he had done so, in the conviction that the cattle company was destined to beat in the strife.

The arrival of the ranchers and their men, and the way in which they were received by the men of the town, convinced him that he had made a mistake, and that the strength of the two parties was more evenly balanced than he had thought.

The Satanstown boys seemed to have got over their fight with the ranchers, and the sympathy which, in all rough countries, attends on brave men, when they are supposed to have been unjustly treated, was beginning to operate in favor of Top Notch Tom.

The man was a splendid shot, which was a sure passport to the affections of Texans, and he was going to be tried for murder, when it was suspected that it was only a case of a free fight, in which nobody was to blame but the man who had been killed and his friends.

Therefore the sheriff was ready to listen to reason, and when the judge offered to be responsible, in any amount of bail, for the appearance of Top Notch Tom for trial, Wilbur instantly gave his consent, with a readiness that would have shocked a northern sheriff, to commit this desperate outlaw to the custody of an old man of near seventy.

But then the sheriff knew that the old man, if he gave his word to bring Tom to court, would do it at any cost; and the sheriff was right.

This matter arranged, the judge sent off, under the direction of the sheriff, with a note from that official, a man who met Hank, the Nailer, Top Notch Tom, and Wild Cat, coming leisurely to the town, with Sandy Bill, in close conversation.

As they saw the deputy, Hank rode out to meet him, and a few words showed him what the sheriff had done.

The marshal smiled, as one well pleased and said to Top Notch Tom:

"The orders is to give you over to Judge Collinsworth and orders must be obeyed, ye know. I'm kinder glad they've come, fur now I kin feel easier. I've did my dooty, in bringin' ye to the sheriff, and the sheriff kin take keer of ye naow. I'm through, as soon as I give ye to the judge."

Then they rode toward the town, and very soon saw the confusion that showed the cattle company and the ranchers were on the eve of a fight.

Hank surveyed the scene from the outskirts of the town, and saw that he was expected, by a large party of his fellow-citizens.

He turned to Tom.

"Look-a-hyar," he said. "I don't like this at



all. Thar's too many men to mean honest, and I ain't a fightin' man, when I'm on dooty. S'pose we jest call a halt, hyar, and I'll go in and scatter those cusses, that's stampin' raound my graound."

Tom laughed.

"But, you forget, Hank, I have not yet been delivered into the custody of my bondsman."

"Oh, I ain't afeard but what you'll stay, till I come back," retorted Hank. "You've give your word, ye know, and that's good. I jest want to take some of them handy fellers, and show 'em what's what. They've b'en crowin' too loud."

But here Top Notch Tom developed a spirit of unexpected opposition, for he said:

"I object to your going anywhere or doing anything till you have delivered me to my bondsman. If you go off and leave me here, I shall go to my own place again, and leave you to retake me if you can. That's flat. I didn't give my word to wait till you had got through every fight you had on your hands, and let those fellows try to lynch me into the bargain. Come, Hank, be reasonable. Give me to my bondsman, and let me go home and see my wife. After that, I'll help you in anything you want, if you *did* go and arrest me for nothing!"

Hank bit his lip and looked sulky.

"I think you're the most ill-natured feller I ever seen!" he said resentfully. "It won't take more'n ten minits to clean aout them or'nary critters, that calls thei'selves *cowboys*, fur that company. I'd come back and give ye to the jedge as soon as that was over."

"I prefer that you should give me to the judge *first*, and attend to your own business afterward," said Tom, hardly able to keep from laughing at Hank. "When I see him, and am safe in his custody, I'll help you, but not before!"

"Come on, then!" cried Hank, after a moment's hesitation.

With that he set spurs to his horse, and dashed across the back of the town to the place where he first burst on Helen's view, taking a course so that the ranchers might see him and getting them between him and the cattle company's men.

Then came a great yelling and spurring, and the chase for about five minutes was quite lively, as the ranchers strained every nerve to get to Top Notch Tom ahead of the company's men, and succeeded.

Then when they were all round him, and the judge was shaking hands with the outlaw with the vigor of a man who greets a friend he has thought lost, the cattle company's men raised a yell and charged down on them.

Hank, the Nailer, in a few formal words surrendered his prisoner to the judge, and then added:

"Naow, gentlemen, I call on all hyar to assist me in stoppin' this disturbance within the limits of the taown. I'm Marshal of Satans-taown, and, by gum! somebody's got to pay fur this noise!"

So saying, he dashed out into the plain, turning from his simulated flight, and the cowboys followed him, yelling wildly.

## CHAPTER XX.

### THE MARSHAL GIVES A LESSON.

THE sight of the stalwart figure of the Marshal of Satanstown produced an instant halt in the cattle company's party.

Just before he came they had been dashing along, eager for a fight; but, the moment they saw him, they began to pull on their horses.

They were yet within a short half-mile from the town, when Hank turned, and the effect of the sudden halt was ludicrous in its abruptness.

The foremost, in their eagerness to pull up, threw their horses on their haunches, and yet could hardly check them before they were almost on the cowboys.

In another minute a bloody conflict must have been precipitated, but it was prevented by the entire coolness of the marshal, who drew up his horse just in front of Berkeley, and called out:

"What's the burry, gentlemen? This ain't a raound-up, by no means."

Berkeley, who thought that he could gain something by bluster, his own men being rather the most numerous at the time, instantly replied:

"We're minding our own business. You mind yours, as well."

Hank faced him, with a frown on his face that made the rest of Berkeley's followers, bold as they generally were, shrink back; for they knew the character of the man who frowned, and dreaded him with reason.

"Look-a-hyar, mister," said the Marshal of Satanstown, sternly. "This is taown graound, and I don't allow no back talk from no man when I'm on it. Ef ye want me to take ye in fur disorderly conduct, jest keep on, and I'll do it, right hyar, and naow."

"You'd better take care of the prisoner you gave your word to bring in," retorted the Englishman, with equal sternness. "What do you mean by letting him escape into the hands of

his friends? You know that he is an outlaw and entitled to no courtesy."

Hank listened and laughed aloud.

"Why, hyar's a man wants to l'arn me my biz," he cried. "Look-a-hyar, mister, you're a Britisher, and don't know about aour laws; so I 'scuse ye. Ef a Texas man had offered to say as much, he'd had to take back what he'd said. Look at this paper. D'ye know haow to read? I s'pose ye do. Waal, that's the seal of the co't; and that's the sheriff's order, to deliver the body of Thomas Field to his bondsman, who's his father-in-law, besides; and naow, sir, ye'll apologize fur interferin' with me in my dooty, or I'll run ye in."

Berkeley laughed in his face, as he retorted:

"Run me in for what? I've done nothing."

"Ye hain't, hain't ye?" the marshal replied. "Ye were in the taown, not long ago, warn't ye?"

"Well, what is there in that?"

"And ye took yer arms in, ag'in the taown ordinances; didn't ye?"

"I've got a permit to carry them."

"Let's see it."

"Here it is, my fine fellow. You can't scare me with any of your trumped-up accusations."

And he handed Hank the paper, with a defiant smile; for the Englishman thought the other was trying a game of brag.

Hank took the paper and scanned it narrowly, the men of both parties sitting on their horses, eying each other with their hands on their pistols, in a way that showed how easy it would be to provoke a fight.

The marshal handed back Berkeley the paper.

"That's straight. Naow, what d'ye mean by comin' arter me, when I've got a prisoner?"

"Because I thought you were going to let him go, and I am determined that he shall not escape. That is why I came, and I had a right."

"Waal, I ain't sayin' but what ye might hev had sich thoughts, if ye say it, sir. But naow I've jest got one thing to tell ye. *Git*, or I'll run ye in."

Hank sat on his horse with his pistol in his hand down by his side, and spoke with slow deliberation; his eyes fixed on Berkeley.

The Englishman, with a sneer, retorted:

"I've as much right here as you have, and, if you want me to go away, you can try and force me, if you think best."

Hank waited till the last words were out of his lips, when there was a sudden explosion, and Berkeley dropped off his horse, his hat falling off as he fell, while a streak of blood appeared, running across the top of his scalp.

Before any one could make a motion, in the surprise of the shot, the marshal had raised the smoking pistol, and waved it in the air, saying, with the same absence of excitement that marked all his actions:

"Naow, you cattle company boys, *git*, ef you know when you're well off. You hain't got no permits, and you've been in taown. *Git*, I say."

And, strange to say, the men of the cattle company turned their horses, as meekly as possible and rode away, leaving their chief on the ground, while the ranchers and their men, at a signal from Hank, rode off in the opposite direction, leaving the marshal, Judge Collingsworth, Top Notch Tom, and their little group of friends by the body of Berkeley.

Then Hank blew the smoke from his pistol, and reloaded it, with the care a Texas man always shows to his weapons, before he said to Tom:

"You used to be a doctor, I reckon. I took that man so as to kinder knock him stoopid. Ef you'll take a look at him, I reckon we won't have to bury him."

Tom gave his bridle to Sandy Bill, and dismounted to examine the Englishman.

As Hank had said, he was only stunned; and the track of the bullet over his scalp could be plainly seen, where the marshal had taken the fight out of him at a single shot, without even looking at the sights of the pistol.

Berkeley's horse stood by its master, and the Englishman presently stirred, when Hank observed:

"Reckon it ain't necessary to run him in this time, gentlemen. He's had his lesson in manners; and ef he wants more, he knows whar to come fur it."

Then, to the judge, he added:

"Keep the boys' eyes skinned till the trial comes off, jedge. It won't do fur your side to git caught nappin', and the sooner you git him to your ranch, and git the haouse so it'll stand a fight, the better it'll be fur all the parties to this hyar muss. Good-day."

Without any more formal farewell he turned his horse and rode off: when the judge took his way toward his own ranch, and the English captain, who had heard the last words of the marshal, struggled up from the ground where he had been stretched, with a dizzy brain, and tried to get to his horse and ride off.

For the first time since he had come to Texas he was all alone, and his men had deserted him with a suddenness that showed him he could not depend on them, as against the Marshal of Satanstown.

It was a bitter pill for the proud Englishman

to swallow, for he had set his heart on getting the best of "those Texans;" but the sickness and dizziness of his head gave him no chance to indulge much angry feeling, and he had to make the best of his way to the log-house at the ranch, whence he sent a messenger to Mr. Belshazzar Levy, to say that he wanted to see him. The lawyer came down at once, for he wanted to get some money out of his client, and found Berkeley, with his head tied up, reclining in a large rocking-chair on the broad porch of the log-palace of the company, trying to smoke a pipe, but too sick to succeed.

As soon as Levy appeared, Berkeley groaned out:

"Confound this beastly country: I wish I'd never come to it. Here I am, laid out again, by that marshal of yours, without a chance to defend myself. Your people have no idea of fair play."

Levy looked his most sympathizing, for he had need of money, and it was necessary to keep his client in good humor. He had heard, from the cowboys, how Hank had "creased" the Englishman, as they called it, and had actually laughed at the mishap of the foreigner; for there was something in the way in which Berkeley allowed himself to abuse Texas, when he was confidential, that set even his own men against him, and they had a sneaking admiration for Hank, the Nailer, for the way in which he had laid out the captain, without the slightest difficulty.

"My dear captain," he said, soothingly, "you must not take it unkindly, if I tell you that you are no match for men like Hank, the Nailer. He knows all sorts of tricks, you never saw in all your life, and he will treat you to a fresh one, every time you meet him. It would take you a year of association with him, before you knew half what he can do, and, if you try it as an enemy, he will kill you, before you have found out. He must have been very good natured to you, or he would have sent that bullet a little lower. He can put it where he pleases."

Berkeley smiled ruefully.

"So I found out. But, one comfort, that fellow Field has been taken, and that is worth a good deal. Do you think there is any chance of his escaping from a conviction?"

This was just the question Levy had been expecting, and he was prepared for it.

"Not the slightest in the world, my dear captain, if the men, you bring as witnesses, will swear to the story they told. But there is no telling what a Texas jury will do, in a case of homicide; and that is why I have been anxious to see you, ever since we heard that the man had surrendered to the marshal. The lynching scheme would have been the safest of all; but, as that has fallen through, we must get ready our case at once. I will see that Cross asks for assistant counsel, and will keep him primed. But, to work the case properly, we shall want a thousand dollars at once. If the company will give me that, I'll be surety that the affair is settled satisfactorily."

Berkeley winced, for he knew that the demand would be regarded by the thrifty managers of the Glasgow Cattle Company as an outrage, and doubted whether they would not at once say that the ranch was not worth keeping, if it cost that amount to convict a man who had murdered their employee in open daylight.

But as there was no getting over it, and as the funds were in the bank at Satanstown, he said, with a sigh:

"Well, if it must be, it must be; but you Texas lawyers are the most extortionate men I ever met in all my life. Still, if you convict the man, and drive him out, it will be worth the money to the company, if we can only make them see it."

"My dear captain, I will *engage* to make them see it," the lawyer replied sweetly. "I know, of course, all your trials with the men at the other side of the sea, who do not know the conditions here, and insist on making regulations, when they should leave everything to you. Very much obliged for the check. Thanks. Now get your men ready to swear to their story, and mind they don't get tripped up on small points. That will be the dodge of the other side, to discredit them. Good-day, captain—good-day."

And Mr. Levy bowed himself out, and went to town, where he visited the bank at once; and not till he had seen the amount of the check transferred, in solid gold, to his own pockets, did he feel easy in his mind.

But the possession of a thousand dollars in gold, which a man can hear jingling, especially when that man has never had such a sum in all his life before, is enough to turn his head, and Levy was no exception to the rule. He had to go down to the White Elephant, to have a drink with the boys, and see Nat Cross, the district attorney.

Mr. Cross was at the White Elephant, as Levy had supposed he would be, and full of the arrival of the marshal with his prisoner.

Belshazzar found him rather relieved at the fact that Tom had been transferred to the custody of his father-in-law, whose bond for the



whole amount of his fortune was safe enough for the appearance of the outlaw at his trial.

He entered into close confab with Levy on the subject; and, by the time they had settled it, the White Elephant was richer by several bottles of whisky, sold.

## CHAPTER XXI.

### HANK'S TRIBULATIONS.

THE Collingsworth Ranch lay peacefully in the long shadows of the sinking sun, three days after the arrival of Top Notch Tom. The young outlaw, with more of the look of a quiet rancher than the desperado he was supposed to be, sat on the broad veranda with his wife, whose face had resumed its wonted brightness.

They had carefully concealed from her that Tom had been, or was still, in any danger; and she imagined that he had come home for good; which was enough to make her happy.

She was reclining in a hammock, while he was sitting beside her, and there was no one else on the piazza, though there were plenty of men within call; for the judge had taken Hank the Nailer's advice, and fortified the ranch-house, in expectation of a siege at night.

It was built of logs, that would turn a bullet; and had been constructed when the first settlers of Satanta county were exposed to attacks from roving bands of Indians, escaped from their reservations, on the hunt for scalps and plunder. It was therefore easy to put it in a position of defense.

The windows were provided with heavy shutters that could be closed, leaving only loopholes for the insertion of rifles; and the angles of the upper stories projected over the lower ones, so that the defenders could command the base of the house from all sides.

So far they had had no occasion for any alarm from the cattle-company, whose men had received orders to leave the ranchers alone till the case was settled in court; but there was no telling what night the company's men might raise a lynching party in the town, which they were plying freely with whisky, and precautions were in order.

Diana had been talking to her husband in the usual sweet nothings that mark the intercourse of people who have not yet lived out the honeymoon, and she had dropped into a doze with her hand in that of her young husband.

He had relapsed into a thoughtful mood, for he had had his part to play in the deception that was practiced to keep Diana from any alarm that might hurt her health, and was thinking gloomily enough of his prospects, in face of the affidavits that had been sworn to against him, when he saw a horseman coming to the ranch, and recognized the figure of the Marshal of Satanstown.

Hank, the Nailer, was dressed and armed as usual; and Tom, with a glance at his sleeping wife, rose softly from his seat and went out to see him.

The young man had given up his arms, since he had been remanded to the custody of his father-in-law, and his face wore a look of anxiety, as he advanced; for he thought Hank had come to re-arrest him.

He took care to get out of earshot of the house before the marshal came up; and, as soon as the Nailer pulled up beside him, greeted him with the question:

"Well; what is it? Do you want me, Hank?"

Hank shook his head.

"No; that ain't none of my biz, naow, Tom. We used to be friends; didn't we?"

"We did; but—"

The young man's face had assumed an air of constraint that showed he did not desire to say anything further; but Hank at once interposed:

"But ye don't think we air naow; ain't that it?"

"Well, if you ask me, I must say that you were the last man I thought would go to work to hunt me down, as you did, and take advantage of my friendship to arrest me, Hank."

Hank's face flushed slightly, as he replied:

"Waal, that ain't what I expected from you, boy, but I s'pose a man can't see himself as others see him. I come hyar to say, to the jedge, that the trial comes on to-morrer, and that you will be wanted. That's all. Is he hyar?"

"You will find him in the corral, I think, with some horses that the men are breaking."

Then the marshal, who was looking over his head, turned pale suddenly; and Tom, curious to find what had occasioned the pallor on the countenance of a man who had never been known to change color before, turned round to the house, and saw Helen Collingsworth, standing at the door, looking at Hank, having come out so silently that no one had noticed her.

Hank, when he saw her, looked as if he would have liked to turn his horse and run, for the lady was looking at him, in a way that showed she was about to address him, and Tom could not imagine what was her reason for coming out.

But, when Helen advanced to the edge of the porch, and actually came down the steps, toward Hank, his astonishment knew no bounds;

for it was contrary to all the usages of the quiet and modest Helen.

Tom had, however, too much confidence in the discretion of his sister-in-law, to attempt to interfere with her; and he withdrew, as Helen came up to the side of the marshal.

Hank sat on his horse, not seeming to know what to do, or where to go.

His eyes were fixed on those of the girl, with a look as if he were fascinated, and he had not the presence of mind to dismount, till she said:

"Mr. Kimble, I should like a few words with you, if you will come into the house."

Then Tom Field stared; for the usually impassive Hank stammered and trembled, as he answered:

"Why, cert'nly, Miss Helen; cert'nly."

And then he threw himself from his horse and followed her into the house, with the docility of a pet dog, the girl's face wearing an aspect of freezing dignity, that astonished Tom.

The heavy spurs of the marshal, as he went up the steps made such a noise that Diana awoke; and, as she saw him, her face dimpled into a smile, as she said:

"Good-day, Mr. Kimble. Will you excuse my rising? I am an invalid, you know."

To see the stalwart marshal reddened and stammer awkwardly, as he answered her, was a revelation to Tom. He had never known that Hank had had any but the most casual acquaintance with the Collingsworth girls; but here was proof that they both knew him better than the other ranchers, and that they held him in about the estimation that girls generally hold big, bashful men.

But he had no time to ask, when Hank disappeared in the house, following Helen.

Then the young man came to his wife, and asked:

"Is Helen acquainted with Hank, so well, that she can ask him into the house?"

Diana smiled, as she whispered:

"Hush! they'll hear you. Yes, didn't you know it? The rest of them came around the house, and bored us to death; but he was the only one had pluck to ask outright for what he wanted."

"And which did he ask?" said Tom, feeling more and more astonished, for he had never dreamed of Hank, in the character of a lover.

"Was it you by any chance?"

Diana pinched him softly.

"Don't be ridiculous. Of course not. As if any one could be so silly as to prefer me, when she was around—except you, you stupid old dear. No: he was dead gone on Helen, and she had a sneaking kindness for him, I thought, at one time."

"The deuce she had! I shouldn't have thought it."

"And why not, sir? He was the best of the men; wasn't he? He is as handsome as a picture of Jupiter, with his glorious beard, and those eyes of his, that look right through one; and, if he talks funny, it is only the accent they all get into, on the ranches, talking to those cowboys. Hank is not so ignorant as you would think."

"I think I shall have to keep a strict lookout for you, my lady, if you are going to praise him so warmly. But what did Helen have to say to this paragon of perfection?"

Diana put her face close to his ear, to whisper:

"She refused him, and I think she has been a little bit sorry, ever since."

"What makes you think so?"

"You mustn't ask me, Tom. I won't betray my sister. I think so, and that's all I shall tell you."

"Then what the dickens does she want with him, in there?" asked Tom, bewildered.

Diana hesitated.

"I think," she said at last, "that Helen is going to scold him for arresting you."

"But she has no right to do anything of the sort," retorted Tom, with all a man's readiness to resent interference in his affairs. "That's my business; not hers. If I thought she was, I'd go in and stop her."

"Indeed, you don't do anything of the sort, sir. If you stir, I shall cry, and the doctor says that I must not be excited, on any account. You are a perfect brute, to think of such a thing. Leave Helen to settle her own affairs, to suit herself."

So Tom was compelled to sit still, and try if he could catch anything of the conversation in the parlor, which opened on the veranda, not very far off, and from which he could hear the murmur of voices, but nothing distinct.

He was disappointed in this, for Helen kept her voice at such a low pitch, while Hank's responses were actually inaudible, that the young man outside could not tell what transpired in the parlor, till he heard the spurs of the marshal ringing on the floor, as he came clanking out, and saw Helen, with a flushed face, standing at the door of the house, taking leave of him.

Hank looked pale, as if he had been suffering a great struggle in his mind; but the girl was decidedly angry, and Tom heard her say, as he stood on the top of the steps, hat in hand:

"I shall remember what the friendship of a man is worth, after this, Mr. Kimble, and that you are the same as the rest of them."

The Marshal of Satanstown made her no direct answer; but as he turned to go down the steps, he said, with a strange quiver in his voice:

"I knew ye'd think it hard, Miss Helen, but ye don't know a man's feelings. Ef I did what ye asked me, ye'd be the fust to be ashamed of me when it was done."

Then he went down the steps to his horse, and rode slowly away from the house with his head lower than usual, as if he was thinking deeply over what had been said to him.

Tom instantly rushed to Helen and asked her, in a tone of impatience, but low, so that his wife could not hear:

"What is the matter? What have you said to him to send him away like that? Do you know that he is the best and truest man in Texas, and that any woman might be honored in knowing him?"

The sudden and impetuous attack confused her, for she stammered:

"Tom, what is the matter with you? How dare you speak to me in that way?"

And she drew up her slight figure, and tried to look him down.

But Tom Field was not the man to give way so easily, and he continued:

"Have you been scolding him for arresting me? Because, if you have, you did wrong. I had that out with him already, and I know he was right and I was wrong. He had to do his duty."

"It was not that at all," retorted Helen, with the eagerness with which women pick up a trifling advantage in a quarrel with men, especially if they know they are wrong and the man right. "I didn't scold him at all, so that's all you know about it. I merely asked him a favor, and he refused to grant it; though he had promised to do it, beforehand."

Tom screwed up his face.

"Hum! You are quite sure he promised without any condition?"

Helen colored deeply.

"Haven't I said so? I declare, you are the most ungrateful man I ever saw, when I have made all the quarrel on your account!"

"I thought so, Helen; and I tell you frankly that I don't thank you for it. You must leave me to manage my own affairs. What did you ask him to do?"

Helen tossed her head.

"I shall not tell you since you talk that way, sir. I bid you good-day!"

And she swept off in high indignation.

## CHAPTER XXII.

### TWO MEN AND ONE WOMAN.

AND what was it that Helen had asked of the Marshal of Satanstown, which had provoked this quarrel between people who, up to that time, had been united in harmony?

That can only be guessed from the words of the man, when he rose, after a conversation of some few minutes.

His face was very pale as he did so, and he said to her, in tones that shook a little:

"Miss Helen, ye oughtn't to ask it of me. Ye know ye oughtn't. Anything that ain't in the line of my dooty, I'll do cheerful. If ye want me to resign the place and go back to the caows, I'll do it, and do it glad, if it gives me a chance. But ef I was to do what ye ask me, naow, ye'd despise me, and I'd deserve it, Miss Helen. Ye know it; don't ye?"

"I don't know anything of the sort," she said, her eyes flashing, as she rose in her turn. "You are the only man among these ranchers, whom I have ever given a thought to, and you have sworn that you would die for me, if I wished it—"

"And so I would," he interrupted her, in low, eager tones. "Oh, Miss Helen, if it come to that, ye could say to me: 'Hank, go and get killed for my sake,' and ye know I'd do it. I didn't sw'ar it, Miss Helen. I ain't the man to sw'ar, and I hev'n't b'en, sence I knowed you. You changed me, from a rough boy, with the rest of the boys, to a man that knows he loves a lady, and wants to do his best to honor her. But, when ye ask me to do that, Miss Helen, ye ask me to show that I'm no man; and that ain't what I expected of ye."

She had listened to him with a flush on her face that showed she was very angry; and, at that moment the sound of the soft, musical laugh of her sister in the piazza outside floated into the room.

It seemed to nerve her to what she was about to say; for she set her teeth hard, and her face hardened to him, as she said emphatically:

"I thank you for your good opinion of me. You have told me that I was counseling you to dishonor, and that is enough. I thought that you were at least a friend of my family, though I never believed that you loved me. I have not asked you to leave your position. I want you there, where you are some use, and can save my sister's life. You know, well enough, that if poor Tom is killed, it will kill her, and you know also that he is not guilty. I have told you what I know. But I do not wish to be dragged



into publicity; and the way to clear him is plain. You refuse to do it. Very well, sir; then all I can do is to bid you a very good day."

And with that, she swept him a deep courtesy, and dismissed him, as Tom had seen.

The Marshal of Satanstown rode slowly from the house, and took the way to the corral, where the judge was watching the antics of the colts, fresh from the pasture, that one of the men was breaking, one by one, in the usual rough-and-ready Texas style.

He came to the bars, and beckoned to the judge, who came to him, and heard that the trial was to come off, on the following day.

The old man promised to bring the young one to court, and Hank was turning away, when the judge added:

"But, I say, hold on a moment, Hank. You can't leave this ranch in that way, you know. You haven't been to the house. I'll be out of this in an instant, and we can have at least one little smile together."

Hank seemed embarrassed, but he said:

"Thankee, jedge, thankee; but not to-day. I'm temperance, ye know, anyhaow; but I c'd take a glass of water or suthin' of the kind, not to be disobleegin'. But ef ye'll 'scuse me, to-day, I'd take it kindly, jedge. I've got to go back to taown, and I hain't much time to stop anywhar."

But the old judge, with a smile on his face, that showed he was prepared to vanquish all scruples in the name of hospitality, was already out of the corral, and beside Hank, before the marshal had finished his lame excuse.

"You'll come with me, or there will be a fight, Hank," he said, in his jolly way. "You know the rule in Texas—drink or fight—and you don't want to fight me; do you?"

Hank shook his head emphatically.

"Fight you, jedge! Why I'd let ye lam me all ye had a mind to. I'd not hurt a ha'r of yer head, whatever ye did to me. And then, ye know, I couldn't do it, nohaow. It wouldn't be the squar' thing, to fight an old gentleman like you, what hain't got his eyesight or narve, like he used ter hev.—Not that I mean to say you're no good, jedge," he added hastily, in his simplicity, anxious that the other should not take offense. "Ye've got the sperrit of a lion, yet; but the body ain't thar, ye know, and that's no shame to any man of your age."

Judge Collingsworth slapped him on the shoulder, with great enjoyment of the earnest way in which the simple-minded marshal spoke.

"That's just it, Hank. If I make you fight, you'd have to kill me, you know, and I'm set on having you take a drink with me before you leave this ranch. I should be ashamed of my hospitality if I let you go."

Then, as they rode away, he got closer to the marshal, and added, confidentially:

"There is another reason why I want you to be seen with me at my house, Hank. The boys have a kind of feeling that you might have let some one else arrest Tom, and I wish to show them that my family knows you only did your plain duty, and that, whatever the result of the trial, to take place to-morrow, we hold you as our friend. That is plain talk, from an old man."

The Marshal of Satanstown was silent; but it was easy to see, from the way his eyes filled, that he felt the words of the old judge.

As soon as he could command himself sufficiently to speak, he said, in a low, husky voice:

"Jedge, you're a—a man, and that's what there's mighty few of to-day. I thank ye fur what ye've said, sir; I thank ye, I thank ye!"

And it was evident that he meant it.

The old judge went on, presently:

"By the by, Hank, I am not so blind as some might think, and there is another matter that I have long desired to speak to you about. My daughter Helen—"

Here Hank turned his face to the judge, and its pallor frightened the old man, for he said, hastily:

"Why, what's the matter? She hasn't told you?"

"She hain't told me nothin' but what a lady might tell, jedge," the other answered, the pallor on his face giving place to a slight flush. "She didn't mean no harm, sir. She's jest the noblest woman God ever made, and I'd be proud if she'd ask me to die fur her. I'd do it in a moment, jedge. Ye believe me, don't ye?"

The judge seemed to be puzzled by what he said, for he replied, hesitatingly:

"Why, yes, of course, I have seen that you were attached to her; but I have never spoken to her on the subject, for I know that a woman should arrange those affairs to suit her own ideas of what she wishes, and is willing to risk in life. But that was not what I wanted to say. It was this: Helen told me, some time ago, that you had asked her to be your wife. At that time you had not sold your ranch, and I should have been proud to have you for a son-in-law. I say this frankly, because I know that you are different from the rest of the men round here. For all your ways of speaking, there are times when I have heard you use language that shows you are not the rough-and-ready character

the boys think you. But, at all events, she refused you, conditionally, as she said. Is not that so?"

"The lady told me, sir, that she liked me—I wouldn't say this to any one but her father, sir—but that she was not sure of herself, and did not dare to give me a decided answer. I know I'm not half-good enough for her—"

"There, there; we won't discuss that part of the question. The woman who gets you, Hank, will get a man who can take care of her, at all events. But we are getting near the house, and I must say what I have to say, quick. My eldest daughter, as you are aware, is very fond of her younger sister; and poor Di's health is precarious just now. She asked me, if a woman loved a man, and wanted to demand a sacrifice from him, which should test his love to the uttermost, whether she would be justified in asking it, if her object was good, though the sacrifice she asked might put her lover in grave peril of his life. I told her that she must be the judge of what she did. Then she asked me, further, whether an officer of the law, who allowed a prisoner to escape, if he knew him to be innocent, when his retention would lead to his being unjustly killed, would not be justified, before God, though men might abuse him therefor. Then I suspected what she was at. Tell me, Hank, has she not been working on your feelings toward her, to get you to let Tom escape, if he should be convicted by any chance, before the jury?"

The marshal had been listening, while the old man spoke; and now he faced the judge, with a light in his eye that gave a dignity to his whole appearance the old man had never seen; though Hank was a dignified man at his worst.

"Jedge Collin'sworth," he said quietly. "You are the lady's father, and you have a right to ask me a good many things; but not that. What a lady tells a man is her secret; and he ain't no man if he tells it to any one—even her father. Good-day, sir."

And with that he suddenly dashed his spurs into the flanks of his horse, and galloped off as hard as he could go, in the direction of the town, leaving the judge to pursue his way in a thoughtful frame of mind.

The old man watched the figure of the stalwart marshal, as he went, till it disappeared over the top of a swell, and then turned his pony to the house again.

He arrived there, to find everything quiet as usual, with his daughter Diana, in the hammock, chatting with her husband.

The first question he asked, as he dismounted at the porch, was:

"Where's Helen?"

The answer came from Diana, delivered with the usual glibness of a young lady, who is screening another.

"Up stairs, sir. She had a headache, and had to go and lie down."

"Hum!" said her father. "Anybody been here, while I was gone? Hank Kimble, for instance?"

The judge, being the father of daughters, had more knowledge of human nature, in the feminine department, than the average bachelor, and he wished to keep his younger daughter from telling unnecessary fibs to screen her sister.

Diana, who had been prepared to deny anything, saw that it would be best to tell the truth; so she answered:

"Yes, sir; Mr. Kimble was here, and he asked Tom where you were."

"Did he see Helen?" asked the judge, keenly.

"Why, yes, sir, I think so. Didn't he, Tom?"

She turned to her husband to help her woman-like; and Tom, being a man, said:

"Yes, sir, Helen asked him into the parlor, and they had quite a talk."

"Thank you," was all the judge replied, and he went into the house, when Diana burst out to her husband, in guarded tones, lest her father should hear her:

"There now! if ever I ask you! to help me again, you'll know it, sir. Couldn't you see I didn't want you to say anything more than you could help? I declare, you are the stupidest, most blundering, most ill-natured, most, most, most—"

And, in default of words, she gave Tom a pinch, that convinced him she was angry; for it actually hurt him a little, when he winced, and she added spitefully:

"It serves you right, and me too, for trusting to a man, in a case of this sort. Where would you have been, if people had treated you that way, when you were courting, sir?"

And Diana pouted in earnest.

#### CHAPTER XXIII.

##### A PRAIRIE TRIAL.

THE streets of Satanstown were crowded the next day with people from all the country round, who had come to see the trial of Top Notch Tom for the murder of James Bruce, the cowboy desperado.

The motive on the part of those who came was not the idle curiosity that usually leads men into a court, for the county was divided into two hostile camps, on the question of Tom Field's guilt or innocence, and it was difficult to

find a single person who had not expressed his opinion vigorously one way or the other on the subject.

The hour set for the assembly of the court was nine in the morning, and long before that time the streets were crowded with horses, standing, hopped, before the doors of the different bar-rooms, their owners being inside, taking news and whisky alike, straight.

The court-house was a small and unpretentious frame building, with a single hall that would hold about four hundred people, and the necessary rooms for the judge, district attorney, sheriff and other court officers, with the jail—also a frame building—close behind it.

As soon as the court-house was opened, the cowboys began to flock in, and the citizens of Satanstown remarked that "Hank had come back," for the men present had no arms, and the peace of the community was so much the better secured.

Hank himself was posted, with a small party of his deputies, at the entrance to the town, where he halted everybody that came in and took their arms, with a searching scrutiny that did not allow for that day any of the usual permits to have any effect.

Rich and poor alike, rancher and company man, had to submit to the stern mandate, and deliver their arms to the keeping of the quiet, but inflexible marshal, who took them and stored them away in a large two horse truck that he had brought for the purpose.

The English agent for the cattle company had to be disarmed the same as the rest, though he protested against the demand as an insult; but he made no more than a verbal resistance, for he had not forgotten the lesson that Hank had administered to him a few days before, and had no fancy for another shot, though the marshal to all appearance was unarmed, save for a rifle at his back.

But Berkeley had been effectually cowed by the talk of Mr. Belshazzar Levy, who was anxious for the safety of his client, and had warned him solemnly against having any trouble with Hank, who was "up to all sorts of tricks," as he expressed it.

When the hour arrived for the court to open, the marshal rode away, with his truckful of weapons, leaving the most resolute of his deputies to disarm any stragglers that might come after the main body; for he knew every man in the county by sight, and all the hard cases had gone to town, before the time of opening court.

The only people that had not come, were Top Notch Tom and Judge Collingsworth, who had not arrived when he took his departure.

To the court-house went Hank, having been engaged for the day as a special officer, in addition to his town duties, and charged with the preservation of order.

When he arrived there, his first step was to put the confiscated arms into the jail, for safe keeping, without the knowledge of the people, and then he entered the court with his deputies, and found the crier announcing that the high-court was open for the transaction of such business as might come before it, in the name of the State of Texas.

Mr. Cross, the district attorney, who had been on a grand spree, the night before, with Belshazzar Levy, was in his place, trying to look as if his head was not splitting, but not succeeding, while the Jew, who was a more cautious drinker, was quiet and business-like, and had his papers all ready to proceed.

The sheriff bustled up to Hank, to ask, in tones of secret anxiety, "whether he had the prisoner with him."

Hank shook his head, as he answered:

"You gave me no orders to get him. His bondsman will bring him."

"But he ain't hyar," the sheriff exclaimed, nervously. "I'm gittin' to be 'feard that he's skipped, Hank."

Hank turned on the sheriff to say:

"If Top Notch Tom skips, I'll go inter the dock in his place, sir. Will that do?"

The sheriff was about to answer, when a buzz in the court-room announced that something excited the popular interest; and the venerable white head of Judge Collingsworth was seen, advancing to the bar, while Top Notch Tom walked beside him.

The old judge came straight to the sheriff, and said, so that the whole court could hear:

"Mr. Sheriff, I have the honor to deliver the prisoner to you. He is not afraid to stand the consequences of anything he has done."

Then there was a slight outburst of applause; for the people had made a hero of Tom, and the young man was looking his very best that day.

He was dressed in all the finery of the Mexican style that he affected; and his long hair was carefully brushed and curled, while his face, though rather pale, wore its most resolute expression.

Then the sheriff took the prisoner to the bar, and the district attorney rose, preliminary to choosing a jury.

The jurymen were called up and examined, one by one; the prisoner being his own counsel for the trial; and, after a prolonged session, in which Top Notch Tom astonished Levy by the way in which he handled his own case, a jury



was secured of citizens of the town, with five negroes in the box, as the only men who could be found to swear to the necessary amount of stupidity.

Of the whole jury, besides the negroes there, were only two who could read and write; and it was their inability to read the *Satanstown Courier* that had secured them their places in the jury box.

The jury sworn in, Levy turned to Berkeley, and whispered:

"That settles it. We've got him this time, sure."

"Why?" whispered back Berkeley.

The lawyer smiled, with the expression of consummate craft that distinguished him, as he replied, behind his hand:

"There isn't a man that won't take his ten dollars; and I've had 'em all fixed before they went in. Hush! Cross is going to make his opening. I'm afraid he'll break down, for he had a tremendous drunk last night."

But Mr. Cross did not break down. On the contrary, he exhibited marked malignity in his opening, and commented on the "cowardly way in which the prisoner had murdered Bruce," as he said, with a spite that brought the blood to Tom's cheek as he sat and listened.

Then the cowboys of the cattle company were called up and examined, one by one, and each told his story, with a glibness and precision as to details that made the case look very black against Tom, who saw, by the expression of the faces in the audience, that they believed all that was being sworn to.

The substance of the deposition was, that the prisoner had fired at Bruce, without any warning, as he sat on his horse, and had murdered him in a manner totally unprovoked.

They described the time of day, and the fact that the deceased was not expecting the bullet that struck him down, but said nothing of the advantage they had had in numbers, or of the killing of the cowboy, who had been slaughtered, as he lay on the ground, after the fight, so as to leave no witness for Tom.

Field, on his part, cross-examined the witnesses, with all the skill of which he was master, and brought out the discreditable antecedents of each, in the shape of penal terms, for homicide, stealing cattle and horses, and other little peccadilloes; but the admission, which would have been fatal with an intelligent Northern jury, or one composed wholly of white men, fell flat with the stolid beings who sat in the box, in the court-house of Satanstown.

Tom watched their faces, and came to the conclusion that he was wasting his time in a great measure, though he continued his efforts to discredit the character of the witnesses against him, with the result that he changed the feelings of the populace in the court-room, as he could see, when he looked around at them.

But the populace do not decide cases in court; and he realized that he was losing his case, while the sneering smile of Levy did not tend to make his spirits any the brighter.

The Jew evidently thought that the case was won, and did not seek to hide his joy; for, to him, it was shekels of gold in his pocket, and a place in the legislature, where he might make unlimited "strikes for appropriations of all kinds, and set up a ranch of his own, some day.

At last Mr. Cross, who had conducted the case so far, announced that he had closed, and the prisoner rose to make his defense.

He requested leave to go on the stand, and told his story there, just as the matter had actually happened.

He described how he had been talking to one of the Collingsworth ranchmen, named James Boggs, when he had detected the fact that his foes were seeking to waylay and murder him.

Then he told how he, to warn them, had fired a shot through the hat of Berkeley, who had been signaling his men to charge, and how the rush had been checked.

Then he told of the final action, and how Berkeley had fired at him, and wounded him, before he had sent a single shot in anger. He opened his shirt and showed the jury the wound recently healed, in proof of his assertion, and ended by saying, as he pointed at the Englishman:

"He was there, and saw the whole thing, and yet they have not dared to put him on the stand. As God lives, gentlemen of the jury, that man is the only murderer, by intention, in this case."

Then he had to submit himself to cross-examination, and was taken up by Mr. Levy in this wise:

LEVY. "Ah, Mr. Field—you say that you saw Captain Berkeley as he came up to you. May I ask how you saw him, when you have admitted you had your back turned to him?"

FIELD. "Certainly. I saw him in a mirror which I had had inserted in the hind-sight of my rifle, for the very purpose of protecting myself from attacks in the rear."

LEVY. "Ah—a very probable story—and I suppose that you had your back turned to the man you murdered, when you shot him, too?"

FIELD. "I had; and, moreover, I did not fire to kill, till they had fired a whole volley at me, and wounded my horse in several places. I shot them by a trick I have practiced many times. It is shooting with a mirror."

LEVY. "Ah—yes—I have seen such things on a stage, with the distance carefully measured, but you don't mean to tell this intelligent jury that you could kill a man with a mirror from a horse, running? You are injuring your own case by trying to stuff them with any such impudent falsehoods, sir."

FIELD (*losing temper*). "If they or you doubt it, I will repeat the shot at that client of yours, who sits beside you, and, this time, I promise not to take his hat off. If his Honor would like to see the fun, I will promise to return after I have done it."

LEVY (*with a sneer*). "Thank you, but we are not anxious. (*To the jury*.) You see, gentlemen, what he depends on. He attacks the credibility of our witnesses, and is his own worst witness against his own veracity. That's all, sir."

Then Tom stepped down from the witness-chair, and resumed the role of his own counsel.

"Call Helen Collingsworth," he said; and with the name, a buzz passed through the crowd, which rose to a murmur of approval, as the young lady, leaning on the arm of the Marshal of Satanstown, came from a room at the back of the court, whence she had listened to the whole trial.

Helen held up her hand and took the oath; while Berkeley and Levy, who had no idea of what was coming, leaned forward to hear her every word, and the silence in court became oppressive. Even the old judge on the bench looked as if he was interested in the new witness, who was examined by Tom as follows:

HE. "Your name and residence, if you please."

SHE. "Helen Collingsworth, and I live at my father's house, on the Collingsworth Ranch."

HE. "On the — of July last, Miss Collingsworth, please tell the jury what you saw, at the time stated in the indictment, that is to say, at half-past three in the afternoon. Stop—tell also where you were, and how you came to see what you saw, if you say anything."

SHE. "At the hour you mention, I was sitting in the belvedere, at my father's house, looking at the country, through his glass, which has been there, ever since we have been in Texas. I was watching the behavior of some of the cattle company's men, and especially of the man that sits yonder—the Englishman I mean. I saw him riding among them, and I watched what he did, for I had reason to suspect—"

LEVY. "Stop, stop, please, I object. Your Honor, I have no objection to the witness stating what she saw through the glass, but we don't want any of her suspicions. They are not evidence."

THE JUDGE. "Objection sustained. The witness will tell only what she saw and heard, not what she suspected."

SHE (*with a flush that showed feminine ill-temper at being interrupted*). "Well, then, I was watching that man, and I saw him go round and gather up his men, till he had five of them, when they sneaked off, after you, sir. I mean Mr. Field (*to the judge*) and I was frightened to death, for fear they would do him some harm. I saw Mr. Field talking to one of our cowboys—the one who was shot, Jim Boggs. They kept behind the groups of cattle, and tried all they could to hide themselves, because his back was turned to them. At last they got close to him, and, all of a sudden, I saw a flash from his rifle, as it lay over his arm, and the Englishman lost his hat. Then I knew that Tom had seen him, sir, and I declare I laughed at the way in which he started in his saddle, and almost fell off."

THE JUDGE (*interposing*). "One moment. How far was this from where you were looking through this glass, you speak of?"

HELEN. "About two miles, sir."

The answer produced a buzz in court; and the judge, in a voice that showed his doubt, said:

"And have you a glass that will show faces plainly at two miles?"

HELEN. "Why, certainly, sir! You can read a newspaper at more than two hundred feet with it. It is an astronomical telescope, and my father brought it from Georgia with him."

FIELD (*after the buzz had subsided*). "Miss Collingsworth, will you tell the jury what else you saw, and whether you saw the man who was killed?"

HELEN. "I did. I saw him fall, and two others with him. I saw you galloping away from them, pursued, while they were firing pistols all the time, and every now and then you fired back at them, and one of them fell. Then I saw them give up the chase, and go back to where poor Jim Boggs lay on the grass. I thought he was killed at first, but he got up and staggered forward, when I saw that man—the Englishman, I mean—make gestures to his men to go back. And I saw them go back and shoot down poor Jim, firing shot after shot into him as he lay there."

The recital produced another buzz, this time of horror; while Berkeley, whose face had become livid, whispered to Levy, and the Jew promptly rose with an objection, grounded on the impossibility of the witness knowing, at two miles off, whether the Englishman gave any orders to any one.

But the judge shut him up with a promptness that showed the way the tide was turning, and Helen proceeded with her story in tranquillity.

She told how she saw the cattle company's men collect from all quarters of the big ranch till their numbers swelled to nearly fifty, when they rode toward the ranch; and she, thinking that they had come to make a murderous attack, ran down to face them and save her sister, who was in a very delicate state of health at the time, from the agitation that must follow the coming of such a crowd of ruffians.

Then she told how she saw Tom come in all bloody, and how her sister fainted and had to be carried to the house. She finished with a description of the way in which the men, with Berkeley, had threatened to search the house and lynch the fugitive.

Then Tom Field turned to Levy, with the remark:

"The witness is yours, sir; but be very careful how you treat her."

The Jew had been sitting, watching Helen and the jury, with side glances at the crowd, in silence, but in close attention.

He saw that her testimony had made a great impression, and knew that his chance of profits would be nil, if the case was settled in this fashion. He buckled to his work at once, with a vigor that was worthy of a better cause, and did his best to tear Helen's story to pieces.

He began in this wise:

LEVY. "Ah—Miss Collingsworth, your age is—?"

SHE. "Twenty-four, sir."

LEVY. "I should not have guessed it, from your very youthful appearance. And you say you saw all this, at two miles off?"

SHE. "I did, sir, plainly."

LEVY. "This—ah—this—telescope is a very wonderful instrument, is it not?"

SHE. "Not particularly. It is a good four-inch object-glass, with an eye-piece of three hundred diameters. You know, of course, the image that it would cast, sir, at two miles."

LEVY (*rather confused, for he saw that she was making game of him*). "Ah—yes—of course. I must admit that my education in the astronomical line has been neglected. If I had known what a wonderful story you were going to bring us, I should have made a point of reading it up. You are, of course, quite an astronomer?"

SHE. "I wish I was, sir. But I can hardly lay claim to the honor of being more than an accurate observer."

LEVY. "Ah—yes—precisely. And so, you pass a good deal of time at the glass, like other ladies, I suppose."

SHE (*tranquilly*). "I go there, when I have nothing else to do, sir."

LEVY. "Ah—yes—fond of seeing what the neighbors are doing, of course. Very nice thing to have a telescope to spy through; isn't it?"

SHE. "It seems so, in this instance, sir, if it enables me to save a man's life from a slanderous accusation."

LEVY. "Exactly. You are very much interested in the prisoner, I see."

SHE. "I am, sir. He is my brother-in-law, and his death would kill my sister."

LEVY. "Exactly. I suppose you would not even object to stretching the truth, a little, if it would aid in that object."

SHE (*flushing perceptibly*). "I hope not, sir."

LEVY. "Ah—yes. By the by, Miss Collingsworth, did you ever read the *Arabian Nights*?"

SHE. "I have, sir."

LEVY. "Exactly. There is a story in it about a man who had a glass that he could see to the other side of the world with. Isn't your telescope something of the same kind?"

SHE (*turning to the judge*). "Am I compelled to listen to this man's insolence, sir?"

THE JUDGE. "You must answer his questions. If he makes any insulting remarks I will stop him; but you must remember that you are on the stand, and that he has a right to doubt anything you say, if he chooses."

LEVY. "Well, Miss Collingsworth, I won't insist on your answering that question. But candidly, did not you and your sister make up this story, to save your brother, on account of your having a telescope at the house; and haven't you talked the whole case over with him, till you know all he wants you to say?"

SHE (*indignantly*). "No, sir."

LEVY. "Ah, then, you mean to say that you have never talked the matter over with him at all?"

SHE. "Not till this morning, when I had to come to court, and he had to know what I knew."

LEVY. "Hum! That is very remarkable—very remarkable indeed, I may say. You mean to say that you have known all this for the three or four months that have elapsed since the murder and have never told a soul?"



SHE (*slightly confused*). "I have told but one person, not connected with this case."

Levy pricked up his ears instantly. There was, in the witness, the first sign of perturbation he had yet seen, and it encouraged him to keep on; so he continued, with his eyes sternly fixed on her, to intimidate her, if he could:

LEVY. "Now, Miss Collingsworth, I want you to remember one thing. You are on your oath, and have sworn to tell the truth, the whole truth, and nothing but the truth. I ask you: who was the person to whom you told this marvelous story, if not to the prisoner?"

FIELD. "I object, your Honor. It has nothing to do with the case, and the object of the counsel is merely to confuse the witness."

It was evident, from the color that was gathering in Helen's face, and the indignant way in which her bosom was beginning to heave, that she was confused, frightened and angry at the seemingly idle question asked by the Jew.

Levy looked to the bench, and did not even argue the point, for he saw that the judge was with him.

THE JUDGE. "The witness will answer the question. It is perfectly proper."

LEVY. "Well, Miss Collingsworth, to whom did you tell the story you have just told the court, before this morning?"

SHE. "I decline to answer."

The answer produced a sensation, and the old judge stared at her through his spectacles, as if he thought she had gone suddenly crazy. Levy turned to the jury, with a shrug and a grin, and said:

"You see, gentlemen, one story is all very well, till another is told. I have no desire to have the witness committed for contempt of court; but we cannot get on with this case, if she does not answer questions."

The judge frowned at Helen severely, and said:

"Come, come, child, don't be foolish. The question is a proper one, and there can be no objection to your answering it. Try it in another form, Mr. Levy. There is no accounting for the whims of ladies, nowadays."

The old judge had daughters of his own and knew how it was.

Thus encouraged, Levy pursued:

"Well, then, we will put it, as his Honor suggests, in another form. Did you tell your father?"

SHE. "No, sir."

HE. "Your sister?"

SHE. "No, sir."

HE. "Why not?"

SHE (*with ineffable scorn*). "Because she was not in a state of health to be agitated by anything, and we have kept the whole thing from her."

LEVY (*eagerly*). "Ah, then you have deceived her?"

SHE. "I have; and you would have done the same, if you had had any heart at all."

LEVY (*rubbing his hands*). "Exactly—exactly—the very thing I should have imagined. You have to do these things, sometimes, Miss Collingsworth. These little white lies are told for a good end. Don't imagine, for a moment, that I am seeking to lay traps for you. But, at the same time, now, admit that you do, sometimes, tell fibs—just little ones. Now about this person you told. Was it a man, or a woman?"

SHE (*with a flush so deep that it made the old judge himself smile*). "I decline to answer!"

LEVY (*rubbing his hands*). "Exactly."

Then, turning to the jury, he observed, with a smile:

"Gentlemen, you can see for yourselves."

#### CHAPTER XXIV.

##### DIAMOND CUT DIAMOND.

THE answer of the fair witness had, as Levy insinuated, hurt her more than anything she could have said.

Her color showed that she was interested in concealing something, and the inference that the subject of the question was a man, became irresistible.

Levy took advantage of what he thought was her confusion, and went on:

"Well, then, this gentleman that you spoke to—"

SHE (*quickly*). "I never said a word about a gentleman."

LEVY. "Ex-actly. Well, this man—for it must have been a man. I see you acknowledge it by your silence, so I will not press the question any further. But this man—is he in court now?"

SHE. "I decline to answer."

LEVY (*after a whisper from Berkeley*). "You are engaged to be married, I believe?"

SHE. "I am not, sir."

LEVY. "Ex-actly. But you have been, lately?"

SHE. "I have not, sir."

LEVY. "Ex-actly. But you have had offers of marriage, have you not, from gentlemen?"

FIELD. "I object, your Honor. The question has nothing to do with this case. It is immaterial."

LEVY. "Your Honor, I insist that the question

is material. The witness has refused to answer question after question, and has no right to plead any protection from this court while in open contempt. I hope to show that she has spoken to more than one person, and has laid a plot to defeat the ends of justice, on the single ground of having a powerful telescope in the house. I don't doubt that the glass is all she represents. Ladies are connoisseurs in the matter of glasses, of all kinds. But I do not believe that she saw all she claims she saw, and I have a right to attack her credibility, in a matter wherein she admits the greatest possible bias in favor of the prisoner, who is her brother-in-law, and, if report say true, in whom she once took a still greater interest."

THE JUDGE. "The witness will answer the question of the counsel for the people, and will save herself a great deal of trouble if she will tell openly, and at once, who the person was to whom she told this story, besides the prisoner."

Helen listened to this speech, and her bosom heaved stormily as if she was about to burst out crying; but she managed to control herself sufficiently to ask the judge:

"If I answer his first question, sir, shall I be able to escape from his impertinence?"

THE JUDGE. "Certainly. If you defy the court, you cannot expect its protection; but if you give the truth, you shall be protected from anything that is not proper."

SHE (*to Levy*). "Ask your first question again, sir, and I will answer it."

LEVY (*rubbing his hands*). "Very good. Who was the man you told, besides the prisoner?"

SHE. "Mr. Kimble, the Marshal of Satanstown."

The answer produced a buzz of excitement, and all eyes were turned on Hank the Nailer, who, on his part, did not allow a muscle of his impassive face to depart from its usual serenity.

For a moment even Levy was nonplused, for he had not expected the answer; but he recovered his wits, and his face was lighted up with the idea of triumph, as he went on with his cross-examination.

LEVY. "Aha! So we have the gentleman at last. And you mean to say that you told Mr. Kimble the same story you have told the court? And what did he say to that?"

SHE. "He told me that all I had to do was to come to court and tell it to the world, and it would save Tom's life."

LEVY. "In-deed! Did anything else pass between you and him on the subject of the case?"

FIELD. "I object, your Honor. The marshal is here, and the people can put him on the stand in rebuttal, if they wish."

LEVY. "Well, let it go, then. Did you say anything else to him about the case?"

SHE (*after a pause*). "I did."

LEVY. "What was it?"

SHE (*with a face that burned like fire*). "I asked him a favor, and he—"

FIELD. "Stop, stop. I object!"

THE JUDGE. "On what grounds, sir?"

FIELD. "On the ground that it is not pertinent to the case. This seems to be an effort on the part of the associate counsel for the people to pry into the private affairs of this lady. She is not used to courts, and is liable to be confused. For the sake of saving her from pain, I will admit that there has been an attachment of long standing between her and Mr. Kimble, but that has nothing to do with this case. I object, and ask that your Honor will sustain my objection, for the sake of the honor of Texas. We do not bring ladies into court to be cross-examined on their love affairs by men who have not the breeding or feelings of gentlemen."

The appeal, which would have fallen unheeded in a Northern court, was well calculated to get attentive hearing in Texas, where even the lawyers and judges have all the ideas of chivalry, when a lady is in question. The old judge cleared his throat, and said to Levy:

"Put your question in another form, and try to save the lady's feelings as much as you can."

Levy had listened and noted everything that transpired, with all the attention of a man who has a difficult task before him, and has to look to every step he takes.

He no longer rubbed his hands. He saw that public feeling was against him. Even the jurymen were glancing round them, as if to study the faces of the people, and he knew that, in that case, they would very likely be swayed by popular feeling, perhaps to the extent of giving a verdict, without leaving their seats.

His associate, the district attorney who was up for re-election, was sitting in his place in court, listening to the efforts of the Jew, with the inscrutable face of a politician.

So his question was very cautious.

LEVY. "When he told you to come to court, what did you say to him?"

SHE. "I told him that I did not want to come here, to be insulted by the men I understood were to conduct this persecution."

LEVY. "You mean prosecution?"

SHE. "No, sir, I mean persecution. I told him that I did not want to be questioned by

anybody but gentlemen; and I had heard that Mr. Cross was not going to examine the witnesses."

This answer caused a ripple of laughter, and Cross, who heard it, allowed a smile of gratified pride to flash over his face. Levy ground his teeth secretly; but kept his own smile as he asked:

"And how did you know that Mr. Cross was not to question the witnesses?"

SHE. "Because our men had heard, from the town, that the cattle company's manager had engaged a person, to do all the work, in the case, that a gentleman would have refused."

Here Levy lost his patience at last, and got angry; while Helen, who, now that the worst had been blurted out before the world, was burning for revenge on the man who had forced her secret from her, had grown cool, and had a sharp word, on the tip of her tongue, all the time.

LEVY (*angrily*). "Miss Collingsworth, you are considered to be a smart young lady; are you not?"

SHE. "That is a matter of opinion. I can hold my own it seems, sir."

Here there was a laugh, which was checked by the judge, and Levy continued, with concentrated spite:

"I see you are very proud of your wit. But I have a duty to perform, and I must perform it. You say you asked the marshal a favor. What was the favor?"

SHE. "I—I decline to answer that, unless I am forced."

LEVY. "Then, madam, in the name of the people of the State of Texas, whom you are trifling with, I ask you what was that favor, and what was the reply, he made?"

Here, for the first time, the grim face of the Marshal of Satanstown changed its expression, and he made one stride to where the district attorney was sitting by Levy.

The Jew was watching the witness so closely that he did not notice Hank, and the latter had an opportunity to whisper, in the ear of Cross:

"Stop him, or by the living God, I'll kill ye at election."

The words were whispered almost inaudibly; but Cross knew Hank too well to hesitate. He had, in fact, no taste for the line of examination his associate was pursuing, and had been trying to make up his mind what was best to do, in the case, with a view to re-election.

Now he saw his opportunity, and seized it, with the quickness of a veteran local politician. Before Helen, whose face was burning as she was hesitating what to say, could frame the answer, which would have exposed the whole truth of the matter, the district attorney was on his feet, and addressed the judge, while an intense silence prevailed in court, in that day of surprises.

CROSS. "Your Honor, I have listened to what has passed in this court, to-day, since my learned brother took up the case, and I am satisfied that the ends of justice have been attained already, without the necessity of dragging the affairs of estimable ladies through the mud of public odium. I have carefully watched this witness, as she gave her testimony, and am satisfied that her story is the true one."

Here there was a loud buzz of satisfaction all through the court; while Levy stood, the picture of mortification, by the side of his senior counsel.

CROSS. "I told my worthy associate, who got up this case, that it was all very well, if his witnesses were not contradicted on questions of fact, when their previous characters would not stand the test of investigation. As between the word of this lady, who comes to us with the grace and beauty of youth, and the aspect of conscious truth, to show God's best passport to credibility, and the men who have testified on the other side, I have no more hesitation than your Honor would have, in determining which to believe. I decline to have the good name of my office any further imperiled by the well-meaning but quite ineffectual efforts of my worthy associate, to bolster up a case that has fallen, since this young lady took the stand. I therefore ask your Honor's leave to enter a *nolle prosequi* at this stage of the case, and move for leave to enter the same."

The old judge smiled and screwed up his face into a judicial and "please-everybody" kind of expression, as he answered:

"Why, certainly, Mr. Cross, if you feel that way, there is no need of going on with the case."

"The clerk will enter the order, and the sheriff will call the next case. The prisoner is discharged."

And the next minute, amid a burst of cheering, the like of which had never been heard in the court-house before, the judge turned round to shake hands with Tom Field and Helen, saying to the latter:

"My dear child, you have done nobly to-day; but I am afraid that the rest of the boys will be wanting to shoot our handsome marshal, after this little episode of his courtship."

But Helen was in no mood to enjoy any pleasantries that day, and the despairing glance she



cast round the room in search of one of her own sex, no matter how humble, caught the eye of the kind old judge, who had daughters of his own.

With a prompt consideration that made her flush with gratitude, he rose from the bench and added:

"But you are tired and nearly sick. Come into my room at the back of the court. You will find my wife there, and your father and brother-in-law can come, too."

And the gallant old gentleman gave her his arm and took her off in triumph.

## CHAPTER XXV.

### THROUGH THE GLASS.

WHEN Helen Collingsworth, after her evidence had been given in the trial, went back to the private room of the judge, she found, as he had said, a lady there, seated, whom she knew as the wife of the judge himself, and to whom she instinctively went, as a haven of refuge from the eyes of the men who, up to that time, had surrounded her.

Then, like most girls would have done under the same circumstances, she had a good cry in the matronly bosom of the judge's wife, and was comforted by the presence of her father and Tom, whom she seemed, for the first time, to recognize.

Then followed a great deal of talk between the three, while the judge's wife, who had fulfilled her mission of kindness discreetly, went to the window to talk with her husband, and the latter excused himself and went out to the bench to attend to the next trial, the lady going home.

And when they had talked themselves out, Helen said to Tom:

"Well, and are you going home now? Di will be getting anxious. We have hidden from her the reason of your going to-day, but she will think it very strange that you do not come home earlier. I must go, for one; and I want some one to take me home."

Judge Collingsworth here put in:

"I'll go with you, my dear."

"But why can't Tom come, too?" she persisted.

Tom seemed a little embarrassed. He knew that the boys would be crazy to see him; and he and the judge had arranged that, in case of his acquittal, he should resume his candidacy for the Assembly at once. The fight with the cattle company was by no means over yet, and they both knew it. Berkeley and Levy might be out of the question; but there were others ready to take their places, and the ranchers had suffered so severely from over-confidence that they were disposed to err in the other extreme now, and allow nothing to be taken for granted.

But Helen could not understand this, and she was looking injured already, at the idea that she was going home without Tom, whom she had made up her mind to take with her, to tell Di all that had happened, after showing her that Tom was safe.

Tom managed to explain his position, and asked her to keep Di in the dark till he came home, which he promised to do as soon as possible, and the young lady was finally prevailed on to let him go, while she took her own way home with her father.

As Tom left her he said, in a voice that reached her alone:

"Have you any message for any one?"

She colored and cast down her eyes, as she whispered back:

"Tell him he was right, and that I knew it all the time."

Then she passed out with her father, and Tom saw her, from the court-house window, ride off down the street with the old judge; her trim figure set off by the neatly-fitting habit; the admiring cowboys hardly restrained from cheering her as she went, by the respect that they always showed a lady.

But he saw them running out of the saloons, all down the street, as the news spread that she was coming; and the singular spectacle was presented of a number of men, standing, bare-headed, in the sun, not saying a word, till the young lady and her father had passed, when they set up a cheer that could be heard a mile away, and which called a flush of gratification to the cheek of Helen herself, as she rode out of the town.

But she took her way to the ranch, and arrived there with her father, to find Wild Cat in the door-yard, prowling round, after the uneasy manner of his race.

But Wild Cat asked no questions, for the double reason that he disdained to show curiosity openly, and that he would not speak his broken English, if he could help it.

The judge, however, read his face correctly, and said to him:

"It is all right, Wild Cat. We have won the day, and he will be home to-night, safe and sound."

The Indian allowed a smile to cross his stolid features, as he extended his hand and said, emphatically:

"How! How!"

Then they went into the house, and Diana, who had been dozing away the heat of the day, as usual with her of late, looked up from the hammock to ask lazily:

"Where is Tom?"

Helen told her that Tom was detained in town by some election business, and that he had promised to come home early.

Diana began to sulk at the news that he was not already on his way, and they had to invent all sorts of excuses before she would be satisfied to wait till he came.

They had systematically deceived her ever since he had been home, and had kept her in ignorance of the fact that he had been indicted for murder.

She fancied that he had been driven out, for fear of being lynched by the men of the cattle company, and they had gladly acquiesced in the belief, to save her from the still more alarming idea that her husband would be called on to answer for his life, before a court, where the chances were all against him.

The election thought was a happy one, for she was very proud of her husband, and readily gave way to the belief that he had gone to town on election business, though she could not conceive why Helen should have gone too.

To save her from thinking too much about it, her sister proposed a walk through the stock-yards, and afterward asked her how she would like to go up to the belvedere, and watch for Tom's coming, through the grass.

Diana was delighted at the idea; for she knew that they could see the town, distinctly enough, through the long and powerful telescope.

Satanstown was about five or six miles from the house, by the trail, but, in a straight line, it was scant five, and they could distinguish figures, and recognize who the parties were, with a good deal of certainty.

After some trouble, Diana was taken up to the top of the house, and the telescope was adjusted.

Helen took the first look, being best acquainted with the glass, and having no mean skill in its adjustment.

She swept the horizon, and saw that the ranch of the cattle company was quiet, and looked about as usual, with the men at their posts, around the cattle, while the ranches in the neighborhood seemed to be almost entirely deserted.

The cattle, which had been penned up for three or four weeks, in the narrow quarters left them by the wire-fences, were roaming hungrily about, within their limits, seeking for fresh herbage, and lowing discontentedly, but tamer than of yore, for the very repression that had been practiced on them.

Only one or two men were left at any of the ranches, save that of the company, which was swarming with men, comparatively speaking, as if the fences had not been there.

It was growing late in the afternoon, and as the girl looked, she saw a man, riding full speed among the men of the company, dashing from group to group, and off again.

She would have watched longer, but at that moment Diana said impatiently:

"Well, Helen, if I had thought you invited me up here to look at you, I might have stayed down-stairs, as well as not."

So Helen had to turn the glass over to her sister, concealing her anxiety as well as she could, by saying:

"There is something going on in the company's ranch, and I can't make out what it is. You watch, and tell me what you see. I have left it trained on the place."

Nothing could have suited Diana better; for she was in that state of indolent irritability, which comes of unusual ill-health suffered by a person of naturally active and out-of-door habits, compelled to stay in one place and lie down frequently.

She needed distraction for her mind, and the telescope afforded her the opportunity.

The presence of an object of interest was still more lucky for her, and she at once glued her eye to the instrument, and stared through it at the very same place where Helen had been looking.

Presently she said:

"There seems to be something the matter at the big log-house, for they are all taking their way there, from all over the place. There are about twenty, already, and they are waiting outside, as if they had been sent for."

Then, after a long pause, she added:

"There is certainly something the matter, for there are a great many more now, and the rest are gathering still. There is a man coming out to the door of the house now, and he is beckoning in some of them! They have left their horses outside."

Helen listened to what she said, and felt no little anxiety.

Knowing, what Diana did not, that the men of the neighboring ranches were almost all away at town, getting drunk, and that they had to come home; furthermore, that Tom Field was with them, and that he, too, would have to come with them, she had a vague sense

of danger, that she could not define clearly, which made her quite anxious to get at the instrument herself.

The opportunity came presently, when Diana, with a slight yawn, said:

"There, that's enough for one day. They don't seem to be doing anything but going into the house and out, wiping their mouths. I suppose they are getting tipsy, as usual."

Then she added:

"I get dizzy up here, Helen, and I shall have to go down-stairs. What a miserable thing it is to be sick! I must go and lie down again. Oh, dear—oh, dear! when shall I ever be well again?"

And Helen had to leave the telescope and take her sister down-stairs again, burning with anxiety all the time to know what was transpiring at the company's log-house.

But before she could get Diana down-stairs, and had seen her dozing again in the fitful and uneasy style that had become her second nature of late, half an hour had passed; and when she got up-stairs again to the glass, the sun was setting.

The first glance she directed to the log-house showed her that there was a large crowd of horsemen there, and as she watched them, she saw Berkeley come out, mount his horse, and ride away with them in the direction of Satanstown.

Then she pondered in vain as to what could be his intention. That it was bad, she had no doubt; but what could he mean?

That an open attack would be made on the drunken cowboys as they came home, was her first thought, but she dismissed that as absurd.

"Surely they would not dare to do such a thing as that now," she murmured to herself.

But, as she watched them through the glass and saw that every man was heavily armed, she grew more and more uneasy, and at last went down-stairs and told her father what she had seen.

The news disturbed the old judge visibly, and he ejaculated, in tones of great indignation:

"The unscrupulous villains! They are going to make another fight, and they will find the poor boys all defenseless. What shall we do?"

He seemed to be thunderstruck, and for some minutes could not control his thoughts to act coolly. Then he suddenly said:

"It must be done, hit or miss! Helen, you have the brains and pluck of the family. Poor Di has not turned out what I thought, since her marriage. Of course it will wear off, but in the mean time these boys have got to be saved, and there is no one but me to save them. I must ride to town and get ahead of these villains. They will not dare to fire on an old man like me!"

Helen touched his arm softly.

"They have done it once, and they will do it again if necessary. There is only one person they will respect."

"And who is that, Helen?"

"A woman," was the firm answer. "They would shoot at you, but let me see them shoot at me, if they dare!"

The judge stared at his daughter, with a face of horror, as he ejaculated:

"You! My God, child! it can not be done. It can not! It would be murder! You can not stir a step from this house. I mean it. What do you think I am, to let you think of such a thing?"

"Father," she answered firmly, "I tell you I am the only person who can get through, if the men mean mischief. They are Texans, at least, and would not do a woman harm, whatever they might wish. I can ride round by the other way, knowing which road they have gone, and get there in time to warn them."

"I tell you, Helen, it can not and shall not be done," said the old man firmly. "You have a hard enough part here, to take care of Di, and keep the thing from her, till all is safe. I must go and take the back way. I may get there in time. Stay: who is that over there?"

The figure of a man was seen at the corner of the house, and Helen recognized the Indian, Wild Cat, coming forward in the stealthy fashion of his race; but what surprised her was, that he was leading by the bridle, his pony, that he had not mounted since he came to the house, where he had passed his time between eating, drinking and sleeping, so that nobody would have thought he took notice of anything, so sleepy was his manner.

The judge called to him, and he came up to them stolidly, saying nothing but a grim:

"How!"

"Where are you going, Wild Cat?" asked Helen.

The Indian looked round, to make sure that no one else was near, before he ventured on his imperfect English. Then he said:

"Go—big house—heap house. See Looking Glass. Want friend."

"He does, indeed, want friends," said Helen, in her most earnest way, and trying to use simple words that the Indian might understand her.

"I have been looking through the big glass, up on the roof, and I have seen his enemies—bad men—want to kill him. Have you seen them?"



Wild Cat allowed a grim smile to cross his face as he answered:

"Me see 'um. Go that way. Me stop 'um."

Helen turned to her father.

"It cannot be possible that he has seen them when it took all the power of the glass to show them plainly. But he says so."

And he had.

## CHAPTER XXVI.

### THE HIGGINSBOTTOM MOTTO.

As soon as the case that had furnished such a fund of excitement, had terminated so abruptly, and while Helen and her friends were hurried off into the judge's sanctum, the courtroom was rapidly emptying itself into the streets, and the cowboys of the rancher party started off, with the full intention of "painting the town red," in honor of Top Notch Tom's victory.

Levy, full of mortification and disgust, tried to squabble with the district attorney, at the want of courtesy he had shown to his associate, but Cross, who had seen the way the wind was blowing, replied dryly:

"Come, come, that's all poppycock, Levy. You lost your case, when you did not make it sure that no one saw the death. That telescope settled the business, and you were fooled. Give it up, man. You ain't any match for this Top Notch Tom; and that English client of yours is a stick."

So Levy was fain to hurry out of court, while his own men were still there; for he was afraid of the jeering he would have to sustain, if he came unawares into the midst of the other side, after the way in which he had handled the young lady, who was the idol of the ranchers, for miles round the town.

He felt especially afraid of Hank, the Nailer; whose face he had caught, while Cross was speaking, and who had eyed him with a glare that had frozen his very soul within him.

But Hank had departed as soon as the case was settled, to attend to his appropriate duties, as marshal of the town; and the two-horse truck, full of weapons was being driven out of town, to the place where the men were disarmed, to await the coming of the hilarious cowboys.

Levy, feeling no longer safe within the town, till the rancher party had departed, kept in the midst of the red-hatted retainers of the cattle company, and found his friend Berkeley, to whom he said:

"You'll have to take care of me for a few days, after this; for my life isn't safe, if these fellows go on a drunk."

Berkeley curled his lip with a bitter sneer.

"I suppose so. You're a wonderful lawyer. I only wish I'd never come to this blasted country. I shall leave it at the earliest opportunity, you may be sure."

And Levy had not spirit enough to retort to the sneer, but was glad to get a pony from one of the men, and ride off with Berkeley, as meek as Moses, to keep in company at any cost.

As they went, they heard the rumble of wheels behind them, and the great truck, full of pistols and rifles, came lumbering after them, on its way to the place of disarmament.

Hank, the Nailer, was not with it; and that fact emboldened Levy to remain with his friends, as they resumed their arms, and rode slowly off to the prairie.

The cattle company's men had come out in full force, that day, nearly seventy strong; and they had arrived and departed in a mass, so that the Jew felt comparatively safe as he rode along toward the ranch; but his face was despondent, and the Englishman wore a gloomy scowl, that told, plainer than words, the nature of the thoughts that possessed him.

They had gotten about a mile from the town, when they passed a motte of timber, that was frequently resorted to by parties from the church—for they had a church in Satanstown, of the Catholic faith, the only remnant of the old Mexican domination, and the church had a Sunday School, that gave picnics, once a year.

The motte, from its use, had therefore acquired the name of "Holy Joe's Wood," and was further favored by a branch of the Blue Fork, that ran a torrent after a mountain storm, and was dry all the rest of the year.

The sight of this motte seemed to rouse in Berkeley a train of thought; for he drew up his horse and eyed the place for nearly a minute, in dead silence, while his men, who thought he saw something there, watched him curiously.

But he shook his rein again, and rode on, more thoughtful than ever, till at last he said to the lawyer, who was riding by him:

"Levy, did you ever hear of the motto of the Higginbottom family?"

"No. What was it?"

The lawyer asked the question listlessly, as if he thought nothing of it.

Berkeley replied:

"Then I'll tell you. The Higginbottom family have a motto that reads: 'Never say die,' and I believe in it. We have just had a bad fall—what we call a cropper in England—but we may get in at the death yet, if we ride fair and put our hearts together. I am going to

have another shy at that Top Notch Tom, if I have to risk swinging for it."

Levy started nervously. He had never known his companion to show so much excitement; for the Englishman generally affected the indolent—and insolent—drawl of the London swell.

He looked at Berkeley narrowly, and saw that he meant every word he said. The face of the Englishman was set in a frown, as hard as flint, and he had evidently made up his mind that something desperate had to be done.

"But how are you going to proceed?" he asked. "I don't see that we have any chance. We are very lucky if Cross doesn't turn on us, and bring us—or rather you—before the grand jury, on the girl's testimony."

Berkeley nodded.

"That's the very reason why we have to do something. If we don't, I shall have to cut my stick; and you are gone, as far as your election is concerned. We must kill this man, this very night, as he comes home."

"But how?"

"How? Easily enough. Don't you know that all his friends will go on a grand spree, to celebrate the victory of the day. We have our arms; and theirs are all in that truck, yet. When they come home, they will all be too drunk to shoot straight, and our men have not touched a drop. That wood is the very place to hide, and sally out on them. There will be a full moon to-night, and, the fight once begun, must be carried on."

Levy screwed up his mouth. The plan did not shock him, with its cold-blooded atrocity; but he was thinking of the possibilities of defeat.

At last he replied.

"It might work, as far as they are concerned; but he will not get drunk, for one. He is a temperance man; and so is Hank the Nailer. If they come out together, we shall have a hard row to hoe, Cap; and it's no use deceiving ourselves."

"I know that. I am not the fool you think; but you don't know me yet, Levy. I go in, expecting to get shot, and I shall think of only one thing, which is, to shoot down Hank, the Nailer, and this Top Notch Tom, before a fight begins fairly."

"You'll have a hard time to do that, Cap."

"I know it; but you'll see I do it. Don't say a word now. I must think out the plan. It isn't quite plain yet."

And the Englishman rode on, in advance of his men, buried in thought, for the rest of the way to the ranch-house, where they arrived at noon, and where he dismissed the men to their duties about the cattle, as if nothing had occurred.

He and Levy went into the house, and the captain called for wine; for he rarely drank whisky, and kept his head clearer thereby.

He and the lawyer had a long, secret consultation in the office; and the result of the talk was a summons, which went out in the afternoon, for all the cowboys to meet in the ranch-house.

The men came there, obedient to the summons; but it was easy to see, from their sullen faces, that they were disheartened by the result of the day's trial, and ready to give up the fight.

The Englishman called them inside the house, in groups of six or eight at a time, and took them into the office, where he made them all drink from a special brand of wine, that had been laid in, on purpose for the entertainment of distinguished visitors, and which was far superior to anything they had ever tasted before.

What he said to them, in the office, remains a matter of conjecture; but, when they came out, which they did, in about five minutes for each gang, they wore a different expression, and had a look of eager expectancy, that augured well for the way they would behave, that night, in case of a fight.

By the time it was dark, and just before the moon rose, one day after the full, the seventy horsemen were primed for the plot hatched between the exemplary gentlemen who had prepared it; and the whole party rode away in the direction of Satanstown, with a silence that showed they meant business.

Berkeley had found out, from spies, that the ranches around were deserted, and that the men were in town, celebrating the victory of Top Notch Tom.

The old judge had returned to his own house, with his daughter, alone, in the middle of the afternoon; but Tom Field had not come with them; and the inference was plain that he had stayed behind, with the rest of his friends, to join in the celebration.

Levy suggested that it was "queer that he had not brought the Indian to the town that morning, and had not come back to see his wife, who must be anxious about him;" but the Englishman only answered:

"We must take the chances of that. There never was a move, in a game of chess, that did not have its counter, if you only know how to make it. Come on."

So they rode away in the moonlight and took their way to "Holy Joe's Wood," where they

hid themselves away, with their horses, far enough from the road to prevent the animals from being discovered by their neighing, in case of the passage of travelers from the town.

Then they tied the ponies to trees, and spread before them the corn they had carried, on the back of their saddles, when they left the ranch-house.

The animals had purposely been kept without food, all the afternoon; and set at their corn, with an avidity that showed how seldom they got it, and how they enjoyed it.

Then the men came out, on foot, through the wood, and lay down, lining the edge, waiting for their prey, with the patience and subtlety of old campaigners, while Berkeley, with three men, rode out, and took their station so as to command the approaches to the town.

The three men were the witnesses in the case of the day before, and knew that; on their success, that night, probably depended the issue, whether they would be prosecuted for perjury before the next grand jury; for Berkeley had taken care to impress that fact on their minds to take from them any hesitation they might have otherwise had, in entering such a plot.

Then came a long, weary wait: while they listened to the shouts that came to their ears, at intervals, from the town; showing how the cowboys were enjoying themselves.

At every shout, Berkeley's eyes glared, and the men with him looked at each other uneasily. The time drew near, when the conflict, which every one knew was to be a bloody one, was to be inaugurated.

At last they heard the distant rumble of the ground that told of many horsemen, coming at a gallop, and Berkeley rode back to the edge of the wood, and called out, in guarded tones:

"Get ready, boys, and don't throw away a shot. It all depends on the first volley. After that, run in. One man on foot, is worth ten on horses, for shooting in the moonlight."

Then he rode back to his post, and listened to the rapidly approaching thunder of hoofs, mingled with the shouts and yells of the excited men.

The noise stopped at a distance, and there was a great buzz of voices, as the cowboys reclaimed their confiscated weapons from the custody of the marshal and his deputies.

Then he heard them, coming closer.

## CHAPTER XXVII.

### THE AMBUSH.

THE approaching horsemen were coming in straggling parties of two, three, and half a dozen, yelling and hooting; singing songs of joy; quite oblivious of the possibility of an enemy being near them.

Berkeley and his three men withdrew to the shadow of the wood, to watch; for the captain had made up his mind that he would fire at no small game that night, and the first volley would have to settle the question, by the death of Top Notch Tom, and, if possible, of Hank, the Nailer, if the company was to gain any decided success.

The first party passed by, and saw no one in the wood, while the men on watch heard the cowboys boasting of how they were going to "clean out the fences of the darned company, now, and make Top Notch Tom the member, by a two-to-one majority."

The next party to come numbered nearly a half dozen, and the fingers of the desperadoes in ambush itched to pull the triggers, only restrained by the fact that they had given their words to Berkeley, not to fire a shot, till they heard his rifle go off.

Eighteen men had passed, when there was a noise in the direction they had taken, and a great yelling.

The next minute, a figure dashed out into view, from among them, and came tearing down the trail toward the motte, at a speed that showed he was urging his pony to the utmost.

Berkeley saw him coming in the moonlight, and caught sight of the fluttering of a plume, as the pony darted along.

Then a man, crouching over the neck of a pony, sped by, and the Englishman saw that it was an Indian, whipping with all the merciless severity that characterizes the treatment of horses by Indians.

For a moment he was startled, and then he took aim at the flying figure, with his rifle, as the Indian dashed by, to meet a dense body of horsemen, coming up the road, talking and laughing.

The shot sped, and the horse fell in the dust. Whether the Indian was injured or not, was not to be seen; but, the next minute, out of the wood rushed the men in ambush, and opened fire on the advancing horsemen, with a suddenness and severity that emptied saddle after saddle, in a twinkling, when the battle began in earnest.

The sudden advent of the Indian deranged all the careful plan that Berkeley had laid, with very creditable military skill. The Englishman divined that it could be no other than Wild Cat, and that the cowboys had recognized him as he passed, for otherwise they would have



fired at him, in the reckless fashion of their kind.

Wild Cat was a friend of Top Notch Tom, and would not be riding to meet him at such a speed without a reason.

The reason could be no other than a discovery of some kind, and Berkeley knew the keenness of Indians to discover signs of danger.

If the plan had miscarried, there was still the chance that Tom might be in the crowd before him, and with that thought he fired at Wild Cat, and rode into the fray with his Winchester on his saddle-bow, firing shot after shot, almost touching the mark at every flash.

The three with him were equally desperate, while the men on foot ran on, developing into a regular line of skirmishers; firing into the mass first, and the individuals afterward, with a deadly precision that justified Berkeley's saying that "one man on foot was worth ten on horses to shoot in the moonlight."

Before a minute had passed the whole body that had come from town was fleeing in disorder, and the company's men, who had been prepared for just such an eventuality, came out of the wood in squads, mounted, leading the horses of the men on foot, so that the pursuit was taken up within a very short time, just as if the place had been in a state of regular war.

Berkeley was an old soldier, who had seen active service in India and elsewhere, and had all the caution that is necessary for the command of partisan troops, like the desperadoes he had under him that night.

He took care to make no move till he had his men well together, and then he moved them on in a body.

He had got between two fractions of his foes, and the body with him was superior in numbers to either of the bodies that he had to fear.

His men were sober, while his foes were for the most part drunk; and in this he had another advantage, for it made them stupid and left them almost at his mercy, as he thought.

But all this time he had not come across either Top Notch Tom or Hank, the Nailer; and the fact left a vague sense of uneasiness on his mind.

The Indian had also disappeared in the confusion of the fight, after the first volley had been fired, and before Berkeley could make sure of having his men out together.

Now commenced a wild pursuit, wherein the flashes of rifles and pistols were incessant, and the yells of the combatants resembled the howling of a pack of wolves.

The unfortunate victims of the carefully planned ambush, demoralized by the suddenness of the attack, bewildered, alike by the fumes of the whisky and the confusion of the fight, raged around, too plucky to retreat, but getting the worst of every conflict.

Even the whisky ceased to sustain them, after a little; and they fled in dismay, in all directions; while the company's men followed as Berkeley directed, keeping together, and aware that their action of the night would leave them no chance before the law, unless they could manage to dispose of every witness of the way in which the fight had opened.

It was a case where self-defense had to be established, at any hazard, and the Englishman knew that he had made a mistake, in firing at Wild Cat in the first instance.

But he had to take the chances of war, and he rode on, with the one idea in his head of catching Top Notch Tom and the marshal, in some way that would enable him to utilize the confusion of the affair to kill them by surprise, before they had an opportunity to do anything.

But, as he rode on, and found no trace of either of the men he was looking for, his heart began to misgive him.

The cowboys had been coming home; but neither Top Notch Tom nor the Marshal of Satanstown had come with them.

They must have either gone back to the town, or passed off by some other route; and which they had done was the problem that he had to solve, if he hoped to save his own head.

Already the rapid course of the fight had carried him to the near neighborhood of the town, when he saw a disturbance in front; and the cloud of dust that had hid the fleeing cowboys opened, and revealed three figures, coming rapidly toward them, in whom he recognized Top Notch Tom, Hank, the Nailer, and the Indian, Wild Cat, all three running their horses at the utmost speed they were capable of, as if going to charge the enemy.

Berkeley could hardly contain his joy at the sight, for now he thought he had them fairly.

They were only three men, and the cowboys did not attempt to follow them, while his own men were firing with tremendous rapidity, as soon as they spied the well-known figures in the moonlight.

On they swept, without replying to the fire, their horses seeming rather like birds on the wing, from the rapidity with which they came on.

But they seemed to bear charmed lives, for, in spite of the fire, there was no symptom that any one of them was hit, and even their horses went skimming on, like swallows.

Berkeley spurred to meet them; but the whole

three swerved to one side, as they came, so as to avoid the main body of the company's men, and pass in front of them.

It may seem incredible that seventy men should be able to fire at three, from modern revolvers and repeating rifles, at short range, on a bright moonlight night, within a distance of less than fifty yards, and yet miss them; but those who think so are not acquainted with the uncertainty of fire from horseback, at night or day, when all parties are excited, and the animals are running wild, not in full control of their riders.

The best shots in the crowd of desperadoes that followed the fortunes of Berkeley that night, tried their skill at the men as they passed in front of them.

Some managed to get their horses quiet; but, when it came to the critical moment of pulling the trigger, the animals were sure to wince or start, in some way just enough to destroy the exactitude of aim necessary in such an emergency.

Berkeley himself, who was the coolest man in the crowd, and in his element, now that it was not an affair of single combats and stratagems to secure an advantage in shooting, found that he had emptied the magazine of his Winchester, and when he had got his pistol raised to take a steady aim, the foe was nearly out of range of the weapon.

Yet he fired, as angry men will fire, every shot in one pistol, as fast as he could revolve the chambers, with the result that he saw he had missed every shot, and was riding like a madman after the three men, with an empty pistol in his hand.

## CHAPTER XXVIII.

### THE MAN-WITH-THE-BIG-SCALP.

THE reader will easily understand how the Indian had come on the scene, when they revert to what he had said, as he left the Collingsworth Ranch. The fact was, he had been on the roof, soon after Helen and her sister had gone downstairs. He had been attracted by the sight of the two girls gazing through the long tube, and had sneaked up after them to take his turn, with an idea that he should see some magic view, for he was as ignorant and superstitious as most Indians, and thought the telescope a peep-show.

But the first look he took showed him the group of horsemen in front of the ranch, of the company, which he knew, from Tom, to be the home of his enemies, and his quick wits enabled him to understand what was going on, as soon as he set eyes on them. The mystery of the glass revealed to him, he took no further trouble to explain it. It was to him like all the devices of the white people, inscrutable. He accepted as a child does, wonders it cannot explain, and acted on what he saw. He remained at the glass till he saw the last group of men come out of the house, after they had been treated, and then stole down stairs, just in time to escape Helen Collingsworth, as she came running up to look again.

When she saw him leading out his pony, it was in the execution of his simple Indian plan, to follow the trail of his foes and find what they were doing.

He rode away from the house, and placed himself in ambush, where he could see what transpired without being seen.

He easily divined what the company's men were at when he saw them go into the wood, and he brought out his pony and made ready for a dash, as soon as he heard the ranchers coming.

His only fault was that he did not get out before the first group of men had been allowed to pass in peace. He had expected to see them fired at, and to make his dash in the smoke.

When he saw them come by safely he hesitated a moment too long, and the consequence was that he had his pony shot by Berkeley.

His salvation was the instant running out of the men in the woods, and the smoke and confusion that followed. Hidden by this, he managed to get into the midst of his friends and to capture a horse, on which he sped to the rear in search of Tom.

Like most Indians, he had no shame in running, and had the cowboys followed his example the result would have been better for them. But, being of the bull-dog, Anglo-Norse race, they stuck to it after they were whipped, and lost several men, killed or wounded, before they realized that the battle was against them to such an extent that they had no resource but flight.

Wild Cat, speeding on as hard as he could, encountered Tom Field and the Marshal of Satanstown, at the very entrance of the streets, whence they were riding out, attracted by the sound of firing.

He dashed up to Tom, and hurriedly told him: "The Looking Glass Fighter must not go further; the enemy are in the way and they are too many for us to-night. They have killed many of our men, and they are coming this way. It is time to scatter and run."

Hank Kimble heard him speaking and asked what he said. When Tom told him he observed:

"The Injun is right, according to Injun notions; but this is the State of Texas. Ask

him if he will come with us, if we are ready to go."

Wild Cat understood him and his pride was touched, for he answered instantly, in his own tongue:

"Tell the Man-with-the-big-scalp that Wild Cat is not afraid to go where he goes."

He called Hank the "Man-with-the-big-scalp" on account of his beautiful flowing beard, which was just the kind of thing to attract the admiration of one who had been brought up to the idea that a handsome scalp was the highest prize to be found in the game of war.\*

Hank laughed as he heard himself described by this singular appellation, and said, as he shook his bridle:

"We'll hope no one will get it to-night, Wild Cat. Come on, and do as I do. I've seen worse rushes checked before this, my lad."

Then the three horsemen set off at speed to cross the path of the enemy diagonally, in the execution of which maneuver they were successful, as we have seen.

Hank's object was to draw the fire of his enemies, knowing well that every miss would tend to impair the confidence of the desperadoes in their own marksmanship and render the next shot from the same man more nervous and uncertain. It was a terrible risk to run, but if it succeeded, the three men would be able to keep their foes at bay.

They had good horses—better than those of their foes—and they were fresh, while the enemy had been galloping to and fro, as hard as they could; and nothing exhausts a horse so soon as a battle, where it has to charge frequently.

For a few exciting minutes the chances of being hit or having their horses lamed, were about evenly balanced; but then they found themselves ahead of the whole crowd of their foes, rapidly getting out of gunshot, while the deceptive light of the moon made the fire behind them more and more uncertain.

Then, when they found that the bullets were whistling round them, and overhead; but not so close as before, Hank remarked to Tom Field:

"Naow, then, Tom, it's time to see what we kin do. Kin you make that 'ere back trick by this light, think ye?"

Tom's answer was to bring his Winchester rifle over his arm, with the muzzle pointing backward, and kept his eye fixed on the mirror that he had inserted in the back-sight, so that it could be elevated at pleasure.

"What's the distance?" he asked Hank, quietly, as he looked down at the mirror and tried to catch sight of one of his pursuers in the little oval.

Hank turned his head to say:

"'Abaout a hundred and fifty yards, I reckon. Ye can't do it, hey?"

Tom shifted the sight a little, and the sudden flash that came from the muzzle of the piece, as it lay over his arm, showed that he had caught sight of something.

Hank was watching the enemy behind him all the while he was talking, and he uttered a low cry of delight.

"Ye hit him, boy," he exclaimed. "I seen one of 'em throw up his arms."

Tom made no answer but to bring the lever of his rifle forward, so as to eject the shell, and fixed his eye on the mirror again.

In another minute came a second flash, and the Marshal of Satanstown cried:

"Thar goes another one, and the rest of 'em's pullin' on thar bosses."

In the excitement of the fight, Hank had resumed all his Texan accent, which he had partially dropped when he was speaking to Helen Collingsworth and her father that morning.

The Indian was riding, looking back as he went, and leaving his horse to pick the road.

A third flash, and Wild Cat uttered a shout; while Hank pulled up his horse, crying:

"They're pullin' hard. Naow for aour side."

And the three men stopped their ponies at the word and wheeled round, seeing the foe halted in the trail, evidently cowed by the execution of this man, who fired shots from his back without looking at his foes.

Then Hank and the Indian opened fire from the Winchester rifles carried by both, and before the flashes had fairly begun to spit forth from their muzzles, the enemy were scattering on either side, trying to escape from the deadly aim of Hank the Nailer.

\* Scalps are not taken, as many suppose, entirely from the top of the head, by the Plains Indians, but they seem to attach some mysterious virtue to any portion of the human skin which is covered with hair—the heavier the better. The bodies of bearded men slain in an Indian fight, are almost always found with the skin of the jaws taken away, to furnish a fine large scalp. The aim of the scalper seems, on the whole, to be aesthetic in securing a handsome waving tassel to sew to his leggings, or hang on the headstall of his horse. Women's scalps, with the long hair, are, therefore, especially prized. The costliness of the ornamentation is probably another element in the pride with which it is regarded, just as the ladies of our shoddy millionaires delight in showing their hundred-thousand-dollar sets of diamonds.



But the Marshal of Satanstown was not the man to let his foes gain any advantage over him, and such would have been the case had he let them scatter too far, before he moved.

He fired three shots only, and then shouted to Tom, as he turned his horse:

"No time to fool, boy; we've either got to run, or they'll have us."

And away they went again, as hard as their ponies could carry them, while their foes gathered into a fresh mass, in pursuit; for the odds of seventy to three were too great to be overcome.

Flight, and the Parthian method of fighting, which Top Notch Tom had adopted, were the only refuge of the three; and their pursuers thought that, if they followed them far enough, they must get the advantage at last.

But they forebore to press them so close that Tom could try one of his famous back-shots, as he went. They had a holy terror of them from the total absence of warning with which they were sent, and the fact that they never missed their mark.

The mirror was so adjusted that any object in its field must necessarily be in the line of fire, and Tom had become so expert in its use that he never missed his mark when within the "point-blank" of his piece, a hundred and fifty yards.

Hank the Nailer, as they galloped along, was so stricken with admiration of Tom's skill, that he burst out, after a shot had been fired which caused still another halt of the enemy:

"Tom, boy, I never expected to say it; but ye've beat me at last. I'm Hank the Nailer, but you're the *top notch* of 'em all. That's the name ye have a right to, and I'll see ye get it, arter this."

Tom laughed, as he threw the lever of his rifle back to let out a shell, and took some fresh cartridges to load up the magazine.

"That will do for to-night," he said. "They want to drive us from home, but all the while we are going, our boys are gathering behind us, and this fight isn't over yet, Hank!"

Hank, delighted at the words, cried, as he rode:

"Who'd have thought you'd come to be sich a fighter, with all your quiet ways. Boy, I'm proud of ye. Thar ain't another man in Texas I'd give in to, on the shoot; but you're jest the top notch of all."

Then they rode on more leisurely, every now and then looking round at their foes, but finding them still on the trail, and pressing them too hard to allow them to think of letting their horses breathe.

Hank still directed the line of their flight, and he was making a detour by a long circuit, with the object of turning to the town, where he knew that his friends would be waiting to help him, if they were not already out, with the remnant of the cowboys.

But the men with Berkeley were too well led not to perceive the stratagem; and Berkeley himself knew that, on the death of the three men in front of him, lay all his own hopes of escaping a prosecution for perjury, if not for something worse, since the result of Top Notch Tom's trial. He therefore set his men to galloping harder than before, so as to get nearer to the fugitives, at every turn they made, till Tom, who perceived the ruse, said to Hank:

"We must run again. Let the horses go easy, and they will run in on us, as they did before."

So they turned straight away from their foes; and Tom coolly adjusted the mirror of his rifle, seeing that they were already in range, for the third time.

He made out Berkeley's figure, as he rode in front of the men, and, as he caught the image in the glass, he fired.

For a moment, the smoke covered the mirror; but, when it cleared away, there was Berkeley, riding on, waving his hand defiantly, and Hank exclaimed:

"Missed, Tom! That won't do, at this time of night."

Tom adjusted the mirror again and took extra care, the next time, for Berkeley was still in plain view. Again the flash of the rifle came, and, as the smoke obscured the mirror he thought he saw something throw up its arms, in the air.

Hank uttered a cry of surprise.

"Hit him, Tom! Hit him, but he don't budge yet! Look out! They're going to fire."

Fire they did, for the first time since they had pulled up their horses, and the bullets came whistling round the heads of the fugitives, warning them that the game they were playing was getting too close to be agreeable.

The sharp thud of a bullet, striking something, was heard in the midst of them, and Hank anxiously asked:

"Are ye hurt, Tom?"

The young man shook his head, and pointed, in silence, to Wild Cat, who had a small stream of blood, dripping from his arm, in the moonlight.

But the Indian, when he was asked, only shook his head, and grunted viciously:

"No mind; no mind; Injun no mind dat."

And he rode on, as unconcerned as if he had

received no hurt at all, though a bullet had cut its way through the fleshy part of his arm, with a smart that would have called forth a cry from most white men.

Hank noted his behavior, and muttered:

"Good stuff, that Injun. Good stuff."

But it was noticeable that Wild Cat, who had hitherto been the quietest of the party; who had fired but few shots, and those not aimed in the best way, as soon as he was wounded, turned as venomous as a snake.

Hastily binding up his arm with a strip from his breech-clout, he took his rifle, and suddenly wheeled his horse. For one instant he seemed to be turned to a statue of bronze, and then the rifle sped its contents.

The foremost of the pursuers tossed up his arms and fell off his horse, and the Indian, with a taunting yell, turned and fled again.

He had had his revenge for the shot, and that was all he wanted.

After that they got out of gunshot; for the exchange was too perilous, for the smaller party of the two.

Mile after mile passed, and still the pursuit did not relax, till Tom suddenly cried, as he turned his horse to the right:

"Ware fence! They've got torpedoes under the posts!"

The brightness of the moonlight had enabled him to see, as he rode, the line of the treacherous, barbed-wire fence, that had caused all the trouble in the county, and it seemed as if the course of the three was checked at last.

But Tom, who saw that his companions, for the first time that night, were beginning to show signs of excitement, even Hank wheeling his horse, as if resolved to sell his life dearly, cried:

"Keep them at bay, while I cut the fence. I have the nippers."

## CHAPTER XXIX.

### LONG-RANGE SHOOTING.

TOP NOTCH TOM, at the moment he first saw the fence, felt as if his time had come; but, as he was almost turning his horse, he remembered that he had, in the saddle-bags of his Texan rig, a pair of the nippers that had cut the wires in the county, before that.

To dive into the bag for them, was the work of three seconds; but, the enemy being three hundred yards behind, there was not half a minute to spare. Hank and Wild Cat had turned; but, before Tom could get the lowest wire fairly cut, he heard the wild yell that announced a charge, and the fire of Hank, the Nailer's rifle showed that he was covering the breach in earnest.

With a last desperate clip, given with all his strength, the wire parted, and Tom turned, to see the Marshal of Satanstown, sitting on his horse, turning his rifle from one to the other, with the Indian beside him, both firing with a rapidity that sounded like a volley.

Then Top Notch Tom dashed to the side of his friends, and shouted, as he began to fire:

"Get to the other side of the fence. We can hold them there."

Hank obeyed the word at once, without waiting to fire another shot, and the young man took his place with deadly effect.

Whether he had killed or wounded any of the pursuers, he could not tell, for the confusion of horsemen dashing to and fro; but he saw more than one fall, and felt sharp shocks, as he was struck again and again, by the bullets that whistled round, as thick as bees.

Then he heard a shout behind him, from Hank, and he wheeled his horse, and fled at the top of his speed.

Through the gap he went, seeing his friends there to show the way, and, the next minute, the three were racing over the green grass, with the cattle company's men howling after them but not daring to press them too close.

Then, as the shouts got fainter and fainter, Hank remarked to Tom:

"They've done thar wors', Tom, and it's lucky. Are ye hit bad, boy? Ye're bleeding."

He himself had not escaped unscathed, by any means; for his yellow leather dress was stained with dark streaks, that showed plainly in the moonlight, like black, but would turn to red, in the light of day.

Tom shook himself in the saddle, and felt his body and limbs. He felt sharp pains in more than one place, but the absence of weakness convinced him that he was not badly hurt.

Hank had got his clothes riddled with holes, and had the blood drawn in at least ten places; but he also had the luck which often comes in contests on horseback, where most of the bullets graze instead of penetrating, and where the dangerous wounds are those that are received by chance.

Wild Cat was bleeding, but not so much as the other two, his dark skin having been a less conspicuous mark than the light garments of the white men.

All three were hurt, but all three had escaped any maiming injury, and after a little binding up of grazes and flesh-wounds, rode on, with the gratifying discovery that their enemies had left them at the fence.

They could see them consulting together and

still holding the line, and Hank said, as he turned his horse:

"If them fellers think they kin keep us from goin' back to taown to-night, they might be mistook. What d'ye think, Tom?"

Now that they were out in the moonlight and free from their enemies, for a breathing space, they felt considerably encouraged, and the task of running the gantlet of the men on the other side of the fence seemed less desperate than it might have been. True they had lost blood, but the loss of the enemy could not be told. It could not be very heavy, at the best view they could take of it, for the light of the moon was too deceptive to admit of any great accuracy of aim.

The question that remained was how they should get back to their friends, and whether those friends knew of their whereabouts.

Discussing this question, they called a halt and eyed the men at the fence sharply.

They were well out of range from Winchester rifles, and had no idea that there was any danger in standing still, when the bright flash of a rifle was followed by a much heavier report than those they had heard so far, and a bullet went singing over the head of Hank, the Nailer, who remarked, in the coolest manner in the world:

"Long-range shootin' is mighty resky, gentlemen, in the moonlight. Ye might as well save yer powder, for ye can't tell the range."

For all that, however, he moved his horse off at a walk, and the two others followed him in single file, frequently changing the pace from a walk to a trot and slow canter, so as to confuse the aim of the unknown marksman, whoever he was.

That it was only one became evident, from the time that elapsed before a second shot was fired. It whistled by them so close that Hank burst out laughing with the remark:

"Tom, I bet ye a dollar I know who fired that. It was the Britisher, and he's got a long-range gun. He's got his elevation right at last; but, if he hits one of us, he's got to have better eyes than most men to see the sights in the moonlight, so as to aim. Come, let's give the man a show."

And he deliberately turned his horse and rode straight to the fence, followed by the rest abreast.

It seemed a wanton risking of life, but the next shot convinced Tom that the action of the marshal had been a wise one, for the ball, though its direction was perfect, went over their heads at least twenty feet above, and the apparently reckless Hank said:

"Told ye so. It's all nonsense tryin' these fancy shots in the moonlight. A man's got to alter his elevation every minute, or he's all abroad."

So it seemed, for the next shot was still further out of the way, as it was buried in the dirt before their faces; and, with that, the three rode back in the direction they had come from, so as to tempt another change of elevation in the unknown marksman.

As Hank had suspected, it was Berkeley, who had stopped the chase at the fence-line, disgusted with the loss of men and ponies he had sustained and unable to get the men to follow him any further after they had seen the Indian.

They had heard of Tom being the friend of the Indians and imagined, from the defiant way in which the three were acting, that they were trying to draw their pursuers into an ambush.

So Berkeley got his long-range rifle, laid himself down by the fence, and tried shot after shot with all the accuracy he could master, but with the uniformly mortifying result that he knew he had not hit a single man or horse.

The marshal and his friends pursued their ride along the edge of the line of fencing, which they knew extended along the outside of the company's grant, and at last noticed that the pursuers had halted, and were not following them any further.

Ten minutes later they came to a gap, and saw that their foes were at least a mile behind, and standing still.

They halted in turn, and watched their foes, for they were thinking of recrossing the fence, and making for the town; but Hank could not quite make out what the enemy were halted for, and he asked the Indian.

Wild Cat looked round him in all directions, and snuffed the air; then dismounted and put his ear to the ground. Finally, he said to Tom:

"Your friends are coming, and they hear them, and fear; for there are many."

"Then, if that's the case," said Hank, the Nailer, with a turn of his horse in the direction of the distant cattle company's force, "I'm goin' to arrest that Englishman to-night, and I call on you, Top Notch Tom, and the Injun, to help me."

\* The reader, who has ever paid much attention to long-range shooting, will recognize the folly of Berkeley in trying to shoot a moving object at long range. The variation of one fiftieth of an inch in the front sight makes a difference in the path of the bullet of four feet at eight hundred yards; and the ratio increases at the rate of a foot to every two hundred yards, leaving the influence of wind and elevation entirely out of the question.



Tom stared at Hank.

"Are you in earnest?" he asked, surprised.

Hank nodded his head.

"I'm the Marshal of Satanstown, and that man come into my ground, and tried to murder a lot of innocent men. He's got to be tried fur it, and he's got to be arrested fur it, first. Is that plain? I'm marshal, and I've the power to swear you both in, as special officers. Will ye act?"

"Why, certainly, if you wish it; but I don't know about Wild Cat."

"If Wild Cat's like most Injuns I know, I kin fix him, Tom. Tell him I want him to help take that man, and if he helps, he'll git ten dollars for the job."

And, somewhat to Tom's surprise, for he thought he knew all about the nature of Indians, as soon as the proposition of Hank was explained to Wild Cat, the Indian said:

"I will go with the Man-with-the-big-scalp; for he is a warrior, and we have shed our blood together."

So the three men, who had lately been in such a perilous position that they had had much ado to save their own lives, were now riding back toward their foes, with the audacious intention of arresting the English manager, in the midst of his desperadoes.

As they rode slowly back, they began to hear the noise, which had at first escaped all but the fine ears of the Indian.

The deep thunder of hoofs, at a gallop, was heard, more than a mile off, shaking the earth under the grass tufts, coming nearer and nearer, while the desperadoes in front were plainly uneasy, riding to and fro, as if not knowing what to do.

### CHAPTER XXX.

#### THE TURNING OF THE TABLES.

THE Marshal of Satanstown rode straight toward the line of desperadoes at the fence; but when he had arrived within some quarter of a mile, he checked his horse, with the remark:

"No use to hurry the thing, boys. Let them get all the scare they kin, aout of this. Keep your eyes skinned about that long-range gun, and don't let the man ketch ye napping."

He and his friends therefore, instead of standing still in one spot, walked their horses up and down, frequently changing the pace, and listening for the approaching thunder of hoofs. That the coming of the strange horsemen, whoever they were, was producing its effect on the Berkeley party, was evident from the noise that began to spread from one to the other of the men at the fence, and the way in which they were galloping to and fro.

Pretty soon the dark figures of distant horsemen became visible, coming from the direction in which the three had been chased, and Hank called out:

"Now's the time, boys. We want to let them know where we are, or they'll mebbe run into a trap."

So saying, he put spurs to his horse, and rode straight at the fence with his friends, firing as he went, while Tom, who kept a little at one side, watching the distant horsemen, saw that they halted for a minute, at the sight of the flashes, and swerved to one side, as if to get to the vicinity of the man firing.

The Berkeley party replied to the fire of the marshal, and tried to get up a rush toward him; but the attempt was a failure, and Hank after firing a few shots, suddenly turned his horse again, and called out:

"We've got them naow, boys. Follow me and do as I do."

Tom and Wild Cat did as he directed, and the marshal dashed off to one side, in the same maneuver he had executed at the first, running the gantlet of his enemies, to get to his friends.

That the Berkeley party understood it, was evident, from the way in which they rushed at him, to head him off; and, before the horses had passed over half a mile, it was seen that they would probably be able to execute their intention.

The distance between the two was not enough to let Hank scrape by, and as he got closer, he recognized the fact.

He rode ahead and the other two followed him, none of them firing, because he did not set them the example.

When he had got within about three hundred yards, the Berkeley men began to fire; but, as he had foreseen, the bullets flew wide of the mark, most of them whistling by the tails of the ponies.

As soon as this happened, Hank turned again, and raced off, followed by his foes, gaining on them, till the bullets no longer whistled so close, and the Berkeley men stopped firing.

Top Notch Tom, who was riding in the rear, here called out to Hank:

"They've stopped again."

The marshal made no answer, till he had gone another hundred yards, when he wheeled his pony, and balted, crying:

"That'll do, boys. Look at aour men! Ain't that handsome?"

As they wheeled to look, they saw the gallant cowboys of their own party, about fifty in number, coming over the prairie in the moonlight,

in a long, wavy line, and already almost within gunshot of the Berkeley party.

Then Hank shouted:

"No more firing, naow! I'll settle this business."

For he saw that the Berkeley men had halted, and were gathering their force for a stand, which could not fail to end in desperate conflict, should neither side give way.

The advancing cowboys had already begun to yell, when the marshal dashed off to one side, to make a circuit round the Berkeley men; and this time they did not attempt to intercept him.

His figure was recognized as he went, and the cowboys set up a tremendous yell of delight, and halted as he expected they would.

Top Notch Tom and the Indian followed him, and the three rode along the front of the Berkeley men, who did not attempt to fire at them.

It was plain that they were confused and demoralized, at the prospect before them.

The way in which the cowboys, whom they thought they had defeated and dispersed, had come back in a body, showed that they would have a hard fight yet; and they began to tremble for the consequences of what they had already done.

Hank had relied on this element in his favor, and the result was that he was permitted to cross the front of his late pursuers in peace, and reach the cowboys, when he was greeted by them, with a warmth of affection that left no doubt of its sincerity.

Punch Burleson, his head tied up with a bloody bandage; Deaf Smith, with his arm in a sling; Colonel Callahan, with a white band round one thigh; the rest of the men with marks of their recent conflict still on them; but all full of fight; with the fumes of the whisky taken out of them by the excitement and fatigue; had come up to the scratch again, ready to fight, harder than they had done before, for the sake of sweet revenge.

The numbers at their command were not yet as great as those at the disposal of Berkeley; but the disproportion was not what it had been, when the Berkeley men first came out of the ambush.

And Hank knew well the power of the law on his side, and the demoralization that was sure to spread among his foes, if left to themselves long enough.

That they were hesitating, was proven by the fact that they no longer fired a shot, but stood where they had halted, facing the cowboys, in grim silence, ready to defend themselves, but no longer inviting an attack, still less trying to charge.

Most of the ranchers had come with the cowboys, and Punch Burleson hastily told Hank:

"Thar's a heap more comin', ef we kin keep those snoozers long enough. The taown boys is on aour side at last, and that's worth a hundred, ef they only had bosses. Some of 'em's comin' naow, ef ye listen hard."

They had become so still, that the sound of more horses, coming at a distance, was perceptible, and the sound produced opposite effects on the two sides.

The cowboys raised a yell of triumph, and the Berkeley men moved uneasily to and fro, while the buzz of disputing could be heard among them.

It was quelled by the loud voice of Berkeley, who could be heard, shouting:

"Stand in your ranks, men! I'll shoot down the first that tries to run."

Hank heard him, and laughed grimly.

"Hark to that, boys," he said. "It's come to that already. Wait till the other boys come up, and the game's ours. No use to hurry a willin' hoss."

The sound of galloping hoofs became more and more plainly audible, and the dark mass of horsemen could be seen, about a mile off, coming over the green grass.

Then the movement among the desperadoes ceased and Punch Burleson remarked, in a low tone:

"They'll stand, boys. They'll stand. We'll have the best fight ye ever saw."

That the fight would be a desperate one no one doubted now. The Berkeley men had halted, and they were dismounting from their horses, a sure sign that they were going to hold their ground to the last.

Hank kept back his men, who were eager to make the charge at once, with the words:

"Let 'em stay whar they are, ye fools. As long as they stay thar, they ain't gittin' aout of the caounty, and when they do run we've got 'em sure."

So the cowboys waited, sitting on their horses, watching the Berkeley party, and waiting for the approach of their friends from Satanstown.

In a quarter of an hour from the time when they were first spied the Satanstown party rode up to the cowboys, and warm greetings were exchanged between both sides, for the intelligence of the cowardly ambush that had been put on them had turned the tide of public opinion in favor of the ranchers.

One man came up to Punch Burleson and cried out:

"I've b'en ag'in' you caowboys, fur ever sence I come to Texas; but when these hoss-thief galoots comes daown hyar, with thar games, to rub aout honest men, I'm fur Satanta caounty, every time, ag'in' the world. Let's give 'em all they want, boys. Don't let one of the darned critters go."

His words were echoed by the yells of the excited men, who had been drinking as freely as the cowboys, and there was a general movement, which threatened to break into a wild charge on the enemy.

It was checked by the coolness of Hank, the Nailer, who rode out in front of the crowd and called out in his deep, powerful tones:

"Boys, I've suthin' to say to ye."

The words produced an instant hush, for the men of the town, as well as the ranchers, adored the marshal, who had led them so often to victory.

Hank saw that he had secured their attention and went on:

"I want ye to answer me one question, and then ye kin do as ye please. What does the State of Texas do to murderers when they're caught?"

"Hang 'em. Hang 'em!" cried more than one voice in the crowd, with charming promptitude.

Hank raised his hand and continued:

"That's right, and what I expected. We don't shoot 'em. That's a death fur a man; but murderers ain't worthy of it. Naow listen to me, and hold yer hosses. I'm a-goin' to collar the man that made this muss, and I want to know who'll stand by me when I make the arrest?"

He was answered by a yell that showed the eagerness of his auditors to follow him anywhere, to get vengeance for the mischief done that night.

Hank raised his hand again, and the noise was hushed, as it had been before.

"Waal, then," he said, "that's settled, and I thank ye fur what ye've said. But, ef I make this arrest, I'm a-goin' to make it in my own way, and ef ye won't do what I say, it'll end in a muss, and the men that did the mischief won't get what they deserve, but die like men, when they ain't men, in my opinion. Naow, I want ye to unnerstand, I'm a-goin' over thar, to those men, and tell 'em thar's only one way they kin save thar hides. They've got to give up thar leader to be punished, or thar'll be sich a muss as Satanta caounty never had afore. I don't want no one to foller me; but I want ye to watch what's done. Ef they wipe me aout, I'm goin' to resk it, and arter that ye kin do as ye please. But I'm a-goin' to give them men a chance to come daown to the law, and git aout of the caounty, or know the reason why. Stay hyar, and ef they fire, then go in and do yer best."

And without more ado, the Marshal of Satanstown rode off alone, straight toward the men of the cattle company, who had intrenched themselves behind their horses, and stood in a dark mass by the line of the wire-fence, which formed a cover for their front behind which horsemen could not get.

Berkeley had arranged the stand with military skill. The desperate scamp saw that the end had come and that his only chance of escaping with his life out of the county was to shoot down enough of his foes to make a retreat possible.

He was outnumbered now; but the men on foot could hold their ground for a long time against horsemen, and the chances of war were yet not exhausted.

War it was, against society; and the man recognized the fact, and trusted to the desperation of his associates to save them from flight before all hope was gone.

And then, as he expected a charge, he saw the figure of a single man coming out from the dark mass of his foes, and the Marshal of Satanstown rode out into plain view and called out:

"Ho, thar, you men! We want to talk."

### CHAPTER XXXI.

#### THE ARREST.

THE sight of the marshal produced an immediate impression among the desperadoes that surrounded Berkeley. They recognized him, and a tremor went through the ranks; for every man there had a fear of Hank the Nailer and Top Notch Tom.

Had he been accompanied by any one, they would probably have fired at him, for fear of what might happen; but, as it was, they were curious to hear what he might have to say.

He sat there on his horse, in full view, his long beard waving in the wind, his rifle lying across the bow of his saddle.

"I want to talk," he repeated; "and I want ye to choose one of ye, to come aout and do the talking. Ef ye fire at me, the boys will riddle ye, afore ye kin say whoop. That's plain talk. Naow who's yer best man?"

Berkeley cried out, in answer:

"You go back, where you came from, or we'll shoot you. We are here, on our own ground, and we are going to hold it. If you think you can drive us, just try it, my friend."



"We don't give way to brag. Go back, or we fire."

Hank waited till he had finished, and then cried in answer:

"Boys, if ye want to git aout of this caounty peaceable, send a man hyar to talk. We don't want to have a fight, ef we kin help it."

His words produced a buzz among the men by Berkeley's side, and the marshal perceived that he had produced, as desired, a division in the ranks of the enemy.

To make the division greater, he shouted:

"Send a man to talk, boys. We hain't no quar'l with men. We only want what's fair."

The buzz increased, and Hank saw that the Englishman was arguing with the desperadoes under his command, who were growing restive. He heard Berkeley shout, passionately:

"You infernal cowards! will you sell me out, like a horse or dog? Fire on the fellow! It is all a trick! Here, *Plu* stop this!"

And so saying, he turned round, and leveled his rifle at Hank, who sat on his horse, within easy range.

The Marshal of Satanstown expected fully to be shot, and had taken the risk deliberately. Had he offered to shoot back, the fray must have begun at once; but he made no motion.

Instead of trying to shoot, he shouted:

"Free pardon to the man knocks that gun up!"

And, in an instant, there was a wild struggle in the crowd of figures before him, in the midst of which the rifle went off, the bullet whistling high overhead, and Hank saw the Englishman, struggling in the midst of his own men.

A less adroit man than Hank would have ordered a charge then, and brought on the fight; but the marshal watched the struggle coolly, and when he saw it at its height, he roared, at the full stretch of his lungs:

"Give him up, and you kin all leave the caounty to-night."

The struggle became fiercer than ever at that, and the marshal rode directly forward, to the place where the enemy were gathered, his rifle still lying across his saddle-bow.

As he got closer, one of the men raised his gun to shoot; but it was instantly knocked aside by another man, and the scene of confusion grew worse every moment, Hank watching it with his eagle eye.

At last he was within ten feet of the crowd of excited desperadoes, and made his voice heard again as he shouted:

"In the name of the State of Texas, I call on all here to help me arrest that man. *He's* the one to blame: not you."

The words probably saved his life, for the company's men were getting nervous at his near approach, and more than one was raising his rifle, while the men, struggling with Berkeley were relaxing their efforts, in fear of an immediate attack.

But the words that "*they were not to blame*" induced them to continue their efforts to hold the Englishman, and, by the time Hank had got close to them, they had abandoned all idea of shooting him.

He saw it, and, with the quick decision that had made him so famous as a marshal, threw his rifle to one side, and leaped off his horse.

In another moment he was down in the midst of them, waving his hand, commandingly.

"Aout of the way, you greenies," he cried. "I kin do the arrestin' naow."

And then he pounced on the Englishman, who had staggered to his feet, as his opponents left him.

Berkeley still had his pistols in his belt, though he had lost his rifle in the struggle, and his face was pale as a corpse with rage. Straight up to him strode the Marshal of Satanstown, and the two faced each other.

Hank had his left hand down in his pocket, and the Englishman made a clutch for the pistol at his own belt.

The next moment, Hank was on him. His left hand came out of his pocket, and the glitter of a pair of hand-cuffs showed what he had been feeling for. He made a clutch at the right hand of the furious Berkeley, and caught it, just as the Englishman got his grasp on the pistol. Then came one fleeting instant of hard struggle. The marshal's hands—both of them—went to the right wrist of Berkeley, and he tore the other's hand from his waist by main strength, Berkeley still holding the pistol.

Then, with a swaying of the body and a slow motion, that looked easy, but really exerting the whole power of his muscles, he got the Englishman's hand up to his own shoulder, and turned his back half to him.

Berkeley, not knowing the trick he was trying, but sensible that he was being pulled over, resisted with all his might, and tried, with his other hand, to get in a blow at Hank.

Then the Marshal of Satanstown suddenly stooped down, and rose again.

When he rose, Berkeley's arm lay on his back, and he bent over, so as to bring the elbow at the point of his own shoulder.

There came a yell of pain from Berkeley, in the midst of which a dull crack was heard. Hank turned again, and laid the Englishman at his feet, powerless as a dead man, his arm

broken, his face haggard with pain and exhaustion, while the marshal snapped the irons on his wrists.

The struggle, which takes so long to describe, had only occupied four or five seconds, from the moment Hank got hold of Berkeley's hand. There lay the Englishman on his back, while Hank turned to the men at his side to say:

"Naow git, as fast as the Lord'll let ye! Don't stop, and don't make no fuss, ef ye know what's good fur ye. I give ye this night to git aout of the caounty, and think yerselves lucky ye git off so."

Not a man answered a word, but all took his advice, and went to their horses at once. They had no sentiment of honor to keep them from betraying their leader, simply because he was not of their own class. Had Hank attempted to arrest any of the rest, they would have fought to the death, to cover his retreat. Berkeley was a foreigner; had treated them with hauteur, after the fashion of his military education, and none of them loved him. So they got to their horses and rode away, while the marshal said to his prostrate prisoner:

"Ye see, ye *would* have it, and ye've no one to blame fur it but yerself, Cap. Ye started the muss, and naow ye've got to pay fur it."

He waited till the desperadoes, who had been in Berkeley's service had gotten to about three hundred yards off, when he made a signal with his hand in the moonlight, and the cowboys came swooping down in a body, with wild yells, which struck to the soul of Berkeley, the first terror the Englishman had yet felt.

He looked up to Hank and moaned:

"Will you let them murder me, fifty to one?"

"No, I won't," said Hank, shortly. "I'm Marshal of Satanstown, and I'll take keer of ye, though ye don't deserve much, arter this night's work."

Then, as the men came swooping down he stopped them with a commanding gesture, and called out:

"Ye see them fellers over thar? Foller 'em, at a safe distance. We don't want no musses; but we wanten see they don't go back to the company's ranch. I kin attend to this man, without any of your help. I want Top Notch Tom, the Injun, and Punch Burleson; and that's all. The rest of ye send them fellers to thar best legs."

As he had anticipated, the retreat of the desperadoes was changed to a rout the moment the wild cowboys set off after them, with a yell.

They set spurs to their horses, and rode off, scattering as they went, in the fashion of so many Indians, but not firing back, inasmuch as their foes did not fire at them.

Top Notch Tom, the Indian, and Punch, remained behind with Berkeley, and Hank assisted the mortified man to his feet, where he uttered a groan of irrepressible pain, and tried to raise his broken arm, as the weight, when he was on his feet, caused him to wince.

Hank took the broken member tenderly in his own hands and felt it carefully, with the remark:

"I'll do what I kin fur ye naow, stranger. Mebbe ye won't think Texas men so bad, when the other man gives in, but they keep a grudge till it's settled. This-a-way. Naow ye feel easier."

He raised the wrists, and fastened the arm up in a sling made out of the end of a strap, and assisted the Englishman to mount a horse. Berkeley was so weak from the pain and shock that he almost fainted, but the big Texan helped him as carefully as a child, and got him into the saddle at last. Then they set off for town.

## CHAPTER XXXII.

### CONCLUSION.

SIX weeks after that night, the citizens of the first assembly district of Satanta county, met together in conclave, to elect a man to represent them, in the forthcoming legislature; to present their grievances in the matter of foreign companies, pre-empting large tracts of land, and excluding the natives of the State from the pastures that had been deemed common property, since the organization of the State; and to settle the bitter dispute that had agitated the county since the coming of the obnoxious barbed-wire fences, to throw everything into confusion.

The election was a quiet one, and went all on one side.

Mr. Belshazzar Levy, who had disappeared on the night of the fight, soon after the first rout of the ranchers, and had got home, with all the caution of his race, so as not to be recognized as one of the rioters, was overlooked in the flurry and confusion of the night, and escaped the punishment he deserved.

But his chances as a candidate had vanished, and he had the sense to withdraw in favor of Top Notch Tom, who received the unanimous vote of the county and district, for the office of representative in the lower house.

The agent of the cattle company, at Galveston, being apprised, by a dolorous note from the jail at Satanstown, written with the left hand of the unlucky Berkeley, of what had happened, came up to take charge of matters, and found that the desperadoes, who had been on the ranch so long, had left things in good shape,

thanks to the strict discipline maintained by the Englishman, with all his faults.

He retained a special counsel to defend Berkeley from the charge of inciting a riot, and, to the surprise of nobody, the Englishman was let off with a heavy fine, and the order to leave the county forthwith.

We say "to the surprise of nobody," for Berkeley as soon as he was rendered harmless became an object of sympathy, from the way in which he bore his defeat.

He had the one virtue, which all Texans admire—that of courage—and when he came to be tried it was impossible to find any one to appear and tell the truth of the fight.

There was among the ranchers and cowboys alike a sentiment that it had been a "fair fight," and that no man ought to be held to account, before the law, after he had been whipped fairly, and had suffered the loss of an arm.

The sentiment was one that would not bear the test of cool examination, but it nevertheless existed, and exists in Texas to-day. Even Hank, the Nailer, who had arrested him, could not be brought to testify to anything but the fact that he had been engaged in a fight with the cattle company, and that he did not know how it started, so that Berkeley got off out of the county a sadder and wiser man.

The company had to pay his fine; and the amount of money that it took out of the shareholders was so great that it excited disgust in Glasgow, where they look at a six-pence a long time before they can make up their minds to spend it, unless they can see a good prospect of its transformation into a shilling.

The shareholders began to sell out, and the difficulty was to find any one who would buy shares in a speculation which had already proved a losing one to a large amount.

The agent at Galveston was telegraphed to sell all he could on the spot; and the first purchaser who came forward with the ready cash was no less a person than Hank, the Nailer, along with Top Notch Tom, and Judge Collingsworth.

The three managed to make up a pool, which got control of the shares of the company, and the end of the matter was that Hank resigned his position of Marshal of Satanstown, and became the successor of Berkeley, as the manager of the ranch, while the Scotch agent was sent home, on his refusal to accept a salary, more suited to the work he performed, than the exorbitant one he had been receiving from the Scotchmen who were trying to manage a ranch, four thousand miles away by means of a man they thought they could trust as a countryman.

Of course there was a great deal of indignation expended in the papers on the other side of the sea, caused by the reports of the agent, that "the Yankees had been playing more of their smart tricks," and that the shareholders might whistle for any more money from their expenditures of the past; but, as time rolled on, Top Notch Tom was appointed agent, and his first note to the Glasgow shareholders made them stare.

The natural and legitimate profits of the company, when it no longer claimed to keep other people out of the enjoyment of the public lands, and allowed the odious fences to go to ruin, grew and thrived, as the profits of the cattle business in the mild climate of Texas always do, when the herds are honestly managed.

The first dividend declared, exceeded anything that could be got from investments in England or Scotland, and the shareholders who had sold out were down in the mouth at their own haste, while the price of the others' shares, that had been worthless a few weeks before, rose immediately above par.

The Texan cattle trade became as popular in Glasgow, as the Glasgow Cattle Company became in Texas, under the new management.

At the end of the first year, Top Notch Tom—now the father of a bouncing boy, and Diana, entirely restored to her old health and spirits—were sitting on the piazza of the old log-palace of the company, which had now become the residence of Mr. and Mrs. Henry Kimble. Diana was talking nonsense to the baby, while "Aunt Helen," once Miss Collingsworth, but now raised to the dignity of a matron, by the title of "Mrs. Henry Kimble," was watching her sister with a strange look on her face. The once spirited Helen had become, since her own marriage, as full of whims and fancies; as timid and liable to fainting-fits, as her sister had been a few months before.

Tom Field, his smart Mexican suit discarded; his pistols laid away; dressed in the costume of a civilized gentleman; sat near the two women, reading the paper and smiling to himself.

Suddenly Helen, who had been gazing listlessly at the baby, roused herself, with a start and a smile, and said sharply:

"Hark! do you hear him?"

Diana laughed.

"No, I hear nothing. What is it sis?" she said.

Helen turned her head toward the prairie, where the men of the company had once mustered for the final assault on the ranchers.

"You must be deaf, then," she said. "I remember the time, when you knew the step of



Tom's horse, as well as his own, and now you cannot hear the coming of my boy. Look! didn't I say he was coming? There he is now, the best man in all the wide world, I do believe."

And she pointed out to the prairie, where the form of a man on horseback could be seen, coming at a gentle canter toward the house.

The easy swaying grace of the rider, and his long beard, made him a conspicuous figure at any distance and they all recognized Mr. Henry Kimble, once better known as Hank, the Nailer, Marshal of Satanstown."

He rode up to the porch; jumped off his horse; came up the steps, and dutifully hugged the wife of his bosom, when she asked him, in a tone of pettishness that contrasted strongly with her old, self-possessed air:

"What has kept you so long? I declare you are the most selfish, careless, forgetful, disagreeable man, in all Texas. No; don't come near me, sir. I don't love you one bit, and you know it."

Hank looked at Tom, simple dismay showing so plainly on his honest face, that the young man, who looked down on Hank from his experience of a whole year of matrimony, with a pitying amusement that showed how completely he thought he had mastered the problem of a woman's whims, broke out laughing.

"Why, what's the matter, Hank?" he asked. "You don't suppose that's in earnest? Di used to go on so, when we were first married. It's all their jealousy, my boy. You mustn't mind it. It is only a compliment, after all. But where have you been all day?"

Hank looked at his young wife, and saw that her face was dimpling with a smile she could not restrain, at Tom's words, so he made bold to say, rather timidly:

"Well, Helen, I didn't want to do it, but the boys wouldn't let me go. Ye see, they've been talkin' the thing over, and the upshot of it all is, they swar they never had a better marshal and they want me to take the nomination fur sheriff, when it comes off. I told 'em I couldn't say anything about it till I'd asked ye, dear; and that's why I come home to tell ye."

Helen looked at him steadily, and her eyes filled, for she saw that she had hurt his simple heart by her pettish words, and she had already repented them, as women are apt to do.

So she went and put her arms round his neck, with no shame, because there was no one to see but her sister, who was just as fond of her particular Adonis, and said to him:

"You shall do whatever you please, dearest. I made you wait a long time for me, but I'll try and pay you back all I cost you, hereafter."

Hank pressed her tenderly to his heart, as if he were afraid to hurt her, and answered:

"Deary, ye didn't make me suffer anything but once, and then I guess ye suffered as much as I did; didn't ye?"

Helen tossed her head, as she asked him, defiantly:

"And when was that, sir? I don't believe it."

"When ye asked me to let Tom go, instead of lettin' him stand his trial," said Hank, soberly. Then, as if afraid he had hurt her, he added hastily:

"That is, ye know, I don't mean that ye meant to do wrong; but after ye seen I thought it was, ye was sorry ye'd done it; wasn't ye?"

Helen turned to him with a sudden graceful movement that had its own charm, as she answered. "My darling, you were always the soul of honor, and that is the reason I could not help loving you the most, when I seemed the most angry."

THE END.

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